United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159 WASHINGTON, MONDAY, FEBRUARY 25, 2013 *No. 26*

Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we lift our hearts in praise to You for the gift of this new day. You have ordained the seasons of the year and also the seasons of our lives. Strengthen us to do Your will whether we are in life's springtime, summer, autumn, or winter.

Lord, inspire our lawmakers to receive the gift of Your presence which makes each day of life meaningful. Where there is fear, give courage; where there is anxiety, give peace; where there is doubt, give faith.

Today, we thank You for the legacy of our first President, George Washington, who heard Your voice and responded to Your guidance with reverence and love.

We pray in Your Sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Pursuant to the order of the Senate of January 24, 1901, as amended by the order of February 15, 2013, the Senator from New Hampshire (Ms. AYOTTE) will now read Washington's Farewell Address.

Ms. AYOTTE, at the rostrum, read the Farewell Address, as follows:

To the people of the United States

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself, and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that, under circumstances in which the passions agitated in every direction were liable to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts—of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South in the same intercourse, benefitting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants

of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a Constitution of government better calculated than your former for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils and modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and the duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the

truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very

remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rival-ship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements (I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy)—I repeat it therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectably defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them—conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that it must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take—and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverence, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAINE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 5 o'clock today. At 5 o'clock the Senate will proceed to the nomination of Robert Bacharach, of Oklahoma, to be a U.S. circuit judge for the Tenth Circuit. At 5:30 we will vote on his nomination.

We expect to reconsider the cloture vote on the Hagel nomination to be Secretary of Defense tomorrow.

We also expect to consider the nomination of Jack Lew to be Treasury Secretary and the sequestration legislation before the end of the week.

SENATE AGENDA

Mr. REID. Mr. President, the Senate has a great deal to accomplish, including the long-delayed confirmation of former Senator Chuck Hagel to lead the Defense Department.

This week the Senate will also consider two plans to avert devastating across-the-board cuts to military spending as well as domestic initiatives that keep our American families and businesses strong. To give our economy a foundation for growth, Congress must replace these cuts—the so-called sequester—with a balanced approach to deficit reduction.

Democrats would temporarily replace this harsh austerity with a combination of smart spending reductions and measures that close corporate tax loopholes, end wasteful subsidies, and ask the wealthiest Americans to pay a little bit more, and it would avoid harmful cuts that will hurt American families, harm military readiness, and hinder our economic recovery. Families and businesses in every State of the Nation—in red States and blue States—are at risk because of these haphazard cuts.

In the Presiding Officer's home State of Virginia, 170 teachers who work with disabled children could lose their jobs. That doesn't count any other teachers. Thousands of children will go without lifesaving vaccines—they will go without lifesaving vaccines—and 90,000 Pentagon employees will be furloughed. It is easy to talk about furloughs unless you are one of those people being furloughed. We don't know how many days a week it will be, how many days a month it will be, but it will be days.

In Nevada 120 teachers could lose their jobs. Local law enforcement agencies will lose essential funding to prosecute crime, and thousands of Defense Department employees will be furloughed, losing wages that support their families and our State's economy.

Residents of the Republican leader's home State would also suffer. Kentucky will lose Federal funding that helps police catch and punish domestic abusers, buys meals for needy seniors and keeps at-risk children in Head Start programs, and more than 11,000 Kentuckians who work for the Defense Department will be furloughed.

Nationwide, sequester cuts will cost more than 750,000 jobs. More than 70,000 boys and girls will be kicked out of their Head Start programs. Meat inspectors, air traffic controllers, FBI officers, and Border Patrol agents will be furloughed. Small businesses, which create two-thirds of all new jobs in this country, will lose access to crucial Federal loans. Thousands of researchers working to cure cancer, diabetes, and scores of other life-threatening diseases will lose their jobs.

But Congress has the power to prevent these self-inflicted wounds. We have the power to turn off the sequester, protect American families and businesses, and ensure our national defense.

In the House and in the Senate, Republicans and Democrats voted to impose these cuts. It will take Republicans and Democrats working together to avert them. Twenty-eight Republicans in the Senate and 174 Republicans in the House voted to impose these painful cuts. To say this is President Obama's sequester is absolutely wrong: 174 Republicans in the House voted for these cuts—that is more than 70 percent—and in the Senate more than 60 percent of the Republicans voted for the sequester. So it is unfair to say it is the President's sequester. We did this together. This would not have passed but for the overwhelming vote of the Republicans in the House and in the Senate.

If those same Republicans would work with Democrats to find a balanced way to reduce the deficit, Congress could avert the delayed sequester today—now. Unfortunately, Republicans would rather let the deficit cuts go into effect than close a single wasteful tax loophole. They would rather cut Medicare, education, and medical research than ask a single millionaire to pay a single dollar more in taxes.

The overwhelming majority of Americans wants us to compromise before their neighbors, friends, and family members get pink slips or notices that they can only work a few days this week or this month.

The overwhelming majority of Americans—including 56 percent of Republicans—supports Democrats' balanced approach. It is all over the country. All over the country Americans favor this approach, a balanced approach, by a large margin, including 56 percent of Republicans.

So once again the only Republicans in the entire country rejecting a reasonable, balanced compromise are Republicans in this building—Republicans in Congress.

MORNING BUSINESS

Mr. REID. Has the Chair announced the business of the day?

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. SESSIONS. Mr. President, last week, about the time Congress recessed, the President's immigration plan was leaked to the press and was commented on generally. A group of Senators here have been trying to work on a comprehensive plan and expressed dismay at what it contained and said it was not acceptable.

A brief review of the enforcement section of the President's immigration plan confirms, I think, what my concern has been all along. It is a smoking gun, in truth, that demonstrates this President is not serious about enforcement. That is where we are. Any immigration plan this Nation implements has to be founded on the simple legal principle that people can come to our country in generous numbers, as they always have done, but they should wait their turn. There should be a lawful system. You can't have a lawful system if you are not prepared, not willing, and not committed to ensuring that the laws are enforced.

What we have seen for the last several years is very dramatic. In point after point, I, formerly a Federal prosecutor for almost 15 years, can tell you it effectively neutralized the ability of our current laws to be enforced.

This bill is confirmation the President hasn't had a change of heart. He hasn't had a change of heart. They are continuing to talk as if they expect and plan to establish a lawful system of immigration. When you get down to it and read the language of the legislation, it is not there.

Here are some examples of what the President thinks amounts to enforcement. This is so sad. I will say, with absolute confidence, if the President of the United States had done what he sort of said he was going to do in 2008 when he was running for office, he would make this legal system work. If he had invested time, effort, leadership, moral authority, and maybe a little more money—but it won't take a whole lot of money—and begin to show the kind of progress we need to have, show a commitment he would work to enforce the law in the future, he would be in a much better position to ask for a large reform of law.

Let's look at what his plan reveals. It explicitly, openly, and directly prohibits State and local governments from enforcing immigration laws and from even asking someone for their immigration status.

We have former Governors here in the Senate, former State police superintendents—and I have dealt with this issue for a very long time—that is a stunning development. There are only about maybe 20,000 Federal agents dealing with immigration. There are 600,000 State and local law enforcement officers, in every county, city, hamlet, and town in America who are the ones who come in contact every single day with people in their areas for drunkenness, fighting, burglaries, and drugs. When they find somebody in the course of doing their duties, they discover people who are here illegally.

We want to have a relationship with them and to utilize their capabilities. The Federal Government can then respond, identify the person, and see

what the truth is about their background. This eliminates that and steps backward from some of the progress we have slowly made, some at my insistence, over the last several years.

The proposal the President put forth eliminates the congressional requirement that the Department of Homeland Security put in place a biometric exit system for those who enter the country legally but overstay their visas. People come into the country on a visa and don't ever leave. Experts are telling us as many as 40 percent of the people who are here illegally today overstayed their visas. They need to clock in when they come in, but there is no clocking out. We have no real idea who came and overstayed their visas.

The President's plan eliminates a legal requirement that has been in place for approximately 17-plus years, which required a biometric exit system to clock out people when they come in. It is not hard to require them to pay a few dollars to purchase a card, and when you exit, it will be read like your credit card. You exit and you are clocked out. We have some control over that.

The proposal from the President restricts the ability of Federal, State, and local law enforcement agencies to obtain information regarding whether a person is illegally present in the United States. Think about this. It would prohibit Federal, State, and local law enforcement agencies, particularly law enforcement agencies that need to know something about a person they may have come in contact with in the course of their public safety duties, to know whether they are legally in the country.

This means if a law enforcement agency is holding an illegal immigrant for a criminal offense not deemed serious enough—a criminal offense, but somebody in Washington and Homeland Security said is not serious enough—the law enforcement agency cannot contact Federal authorities.

This also means States with laws that require a determination of immigration status will no longer be able to use Federal databases to determine if a person is eligible for a driver's license, for example. You need to be able to turn somebody down for a driver's license if you can't check to see if they are lawfully in the country.

This is something I have worked hard on over the years, for a decade. It puts the final nail in the coffin of the 287(g) Program. That program states that State and local law enforcement officers are no longer allowed to function as immigration officers.

We had a program the Federal Government did not want, really, the politicians did not want to see happen. The law enforcement officers wanted it, and this was a program which would allow Federal immigration officials to train State and local law officers—some of them at the prisons, some of them in State offices, some of them in regional offices—how to deal with people who are in the country illegally.

The average 19-year-old police officer in Middleburg, VA, or in Monroeville, AL, may arrest a mayor for fraud or assault, but needs to take 2 weeks of training before he can be certified to arrest somebody illegally in the country, not even a citizen. This is the way it is working in the real world. It had some beneficial aspects. It is something I supported and thought we should expand nationwide.

There are highly trained people within State law enforcement, officers who are trying to cooperate with the Federal agents to try to create a system that will actually work. The President's plan would apparently eliminate that.

The President's plan would allow private individuals to hire border patrol agents to protect them and their property, when it is the federal government should be fulfilling its duty to protect them itself.

Is this a capitulation? You have a situation in which you are being basically invaded, the sovereign territory of the United States. It is not just a private individual's farm, ranch, property, it is U.S. territory. It should be protected from those unlawfully able to go there. They shouldn't have to hire their own police officers.

It includes a feel-good measure such as giving illegal immigrants free legal representation and creating border community liaison officers, in part to receive complaints about Border Patrol agents.

It allows the Attorney General to cancel deportation of criminal aliens convicted of aggravated felonies if they do not serve a sentence of 5 or more years. The law says if you are convicted of offenses and you are apprehended here illegally, you should be deported. It states this is only for serious offenses and you received time in jail, Federal felony offenses.

The President's plan goes even farther than that. It says to the Attorney General, if they served less than 5 years, he may waive that and not follow the law and deport people who violated the law. It gives the Attorney General authority to waive other legal requirements as well.

The Secretary of the Department of Homeland Security is directed to provide appropriate training to agents enforcing laws and goes into a great deal of training of civil rights and that sort of thing that is required.

There is no mention of interior enforcement. There are no measures to secure our borders.

As I have stated, I have just begun to review this plan. What I have read causes me great concern and confirms the suspicions I have had all along, which means when this legislation goes from some sort of outline that sounds good in theory, the actual legislation is not going to be what it is promised to be. Why did I say that? Because it happened in 2006 and 2007.

The bill did not fulfill the promises their sponsors made of it when it was carefully examined. When we saw that, the American people spoke out, and it went away.

If you don't have a lawful system that effectively requires enforcement of the law, you are not serious about protecting people in this country from illegal workers who would take their jobs and have the net effect of pulling down their wages.

We already have the problem that the President is suing States that want to help the Federal Government enforce their laws. He has had his own United States Immigration and Customs Enforcement agents sue him, the Director of ICE, and the Secretary of Homeland Security for blocking them from being able to do their legal duty to enforce the law. That is going forward. They voted unanimously no confidence in Mr. Morton, the head of the United States Immigration and Customs Enforcement agency. And there are a lot of other problems.

I want to say, in sum, we have just begun to review the President's leaked plan and there are massive holes in it. It reveals a continued agenda to simply not allow a lawful system of immigration to be established in America and, therefore, it is unacceptable. I believe and am afraid that same mentality will impact the negotiations. We will end up, no matter how hard people try, with an inability to reach an agreement on a kind of plan that will actually work.

What needs to happen is we need to continue our generous, historic affirmation of immigration where we welcome people to our country in numbers that are very large, but we believe people should come lawfully. People who aren't entitled to come should not be allowed to enter. The people who come here should serve the national interest, not some group's special interests. If we do that, we could be proud of that system. I am so deeply disappointed that the President fails to meet those qualifications.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

BACHARACH NOMINATION

Mr. COBURN. Mr. President, I rise today in strong support of the nomination of Magistrate Judge Robert Bacharach of Edmond, OK, to be the next judge on the Tenth Circuit Court of Appeals. Judge Bacharach is well-qualified for this position and has received widespread support and accolades from across the State of Oklahoma, including members of academia and members of both the Oklahoma and Federal Bar Associations. In fact, last year, the Oklahoma Bar Association passed a resolution praising Judge Bacharach's legal abilities and supporting his confirmation.

This broad array of support is indicative of his exceptional legal background. Judge Bacharach received his B.A., with high honors, from the University of Oklahoma in 1981 and his J.D. from Washington University School of Law in 1985. Judge Bacharach began his legal career as a law clerk for fellow Oklahoman, Chief Judge William J. Holloway, Jr., on the Tenth Circuit; thus, he is already quite familiar with those chambers. Following his two-year clerkship, he joined the outstanding Oklahoma-based law firm Crowe & Dunlevy, becoming a shareholder in 1994. After 12 years of private practice, he was appointed by the judges of his district court as a United States Magistrate Judge for the Western District of Oklahoma where he currently presides. In addition to serving as a magistrate judge, Judge Bacharach also served as an adjunct professor at the University of Oklahoma School of Law and received a number of outstanding awards and recognition for his years of scholarship and service.

In addition to his clear legal qualifications, even more important to my decision to support Judge Bacharach's nomination are the strong testimonies to his integrity and commitment to service outside of his judicial role. He is currently the Vice President of the Federal Bar Association (FBA) for the Tenth Circuit and formerly served the Oklahoma City Chapter of the FBA as President, Vice President, and a member of the Board of Directors.

Furthermore, Judge Bacharach serves the Oklahoma legal community beyond his professional capacity. One of his primary areas of service to his colleagues is through his involvement with the Oklahoma Bar Association's Lawyers Helping Lawyers Committee, which helps attorneys who are experiencing personal problems such as depression, alcoholism, and drug dependency. He has served on the committee for three years and also joined the Board of Directors of the Lawyers Helping Lawyers Foundation. Judge Bacharach serves Oklahoma outside of the legal profession as the Director and Executive Committee Member of Big Brothers Big Sisters of Greater Oklahoma City and on the Board of Trustees of the Temple B'nai Israel.

I believe Judge Bacharach will uphold the highest standards and reflect the best in the American judicial tradition by joining the Tenth Circuit as a distinguished and respected member of the Oklahoma legal community. The Judiciary Committee received many letters of support for Judge Bacharach's nomination, including recommendations from judges, deans and professors from Oklahoma law schools, several bar associations, and attorneys from Judge Bacharach's former law firm, Crowe & Dunlevy.

Equally important to Judge Bacharach's qualifications is his judicial philosophy. I believe his record and his hearing testimony demonstrate that he respects the limited role our founders intended judges and the federal government to play in our constitutional democracy.

Based on all of these factors, I believe Judge Bacharach will be an excellent addition to the Tenth Circuit, and I urge my colleagues to support his nomination.

I offer my congratulations to Judge Bacharach and his family on this momentous occasion of his confirmation and wish him well in his new endeavor.

Judge Bacharach's nomination got caught up in the political shenanigans the majority leader and the chairman of the Judiciary Committee carried out at the end of the last Congress. Never before has a circuit court nominee come to the floor without notification of the very members of the Judiciary Committee who sponsored their nomination in the committee. So it was purely a political trick. And for that I think the Senate owes Judge Bacharach an apology for the delay. I have no doubt he will be confirmed, and I doubt there will be anybody who will vote against him.

That leads me to two other comments I wish to make. I have sat on the Judiciary Committee for four Supreme Court nominees, and so what I am about to say may strike some people as hyperbole, but it is not. The four Supreme Court nominees who appeared while I sat on the Judiciary Committee displayed great qualities, and what I am about to say doesn't diminish their characteristics or qualities at all, but I must say that Judge Bacharach has the two qualities that are at such a high level that we should want each and every judge who sits on our Federal bench to have them.

The first is personal integrity. Now, those words are used a lot in our country, but this man has demonstrated it with his life, with his commitments to other people, his commitment to helping other people, with the way he spends his time, with his commitment to his family and to his faith. You cannot find a blemish on this man in terms of his personal integrity, and very rarely can we say that about anybody. He is actually a stellar individual, exactly the type of individual our Founders had in mind, someone who has the kind of personal life that exemplifies the characteristics and qualities that built this country, a love for the law, and an understanding that the rule of law is the glue that holds our society together.

That leads me to the second quality. I have interviewed a lot of candidates for the Supreme Court and for judgeships and circuit court positions, and I have never met anybody who knows the Constitution, its limitations, and its intent better than Judge Bacharach. I think he quite assuredly impressed every member of the Judiciary Committee with his knowledge, his insight, and his background.

So Judge Bacharach brings together the two qualities that are so important and represent the upper end of all the candidates I have seen in my 9 years in the Senate of those whom we would ask to fulfill some of the most important positions in our country and in our society.

I believe Judge Bacharach is the first judge I will have voted for whom I have no doubt of his absolute fidelity to the U.S. Constitution. So I sleep well at night. I wish we had 100 Judge Bacharachs—100—to put on the bench today. I don't believe he can be influenced by anything other than stare decisis, precedence, and the U.S. Constitution and the statutes. His personal life gives reflection and insight into how he is going to be a judge, how he will carry himself, how he will act in this position of power. When you meet him, what you find is one of the humblest of men with one of the greatest intellects I have ever known in my life.

So I will just say that I fully support his nomination. I congratulate him because I know he is going to be approved, and I say, Mr. President, bring us more Robert Bacharachs.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LONG-TERM DEBT REDUCTION

Mr. CORNYN. Mr. President, it has been 1,398 days since the Senate passed a budget. People wonder why we are lurching from one budget crisis to another one in Washington. The fact is this is not the only deadline that has been missed. This year the President failed to submit, by February 4, his proposed budget. But the truth is even last year when he submitted a budget, and it was voted on by the entire Senate, it received zero votes. In other words, it was not viewed as a reasonable and practical solution to the financial crisis that faces our country with $16.5 trillion in debt and 40 cents out of every dollar being spent by the Federal Government being borrowed from our creditors.

Even before we reach the upcoming crisis which is known as the budget sequester—and I suggest most Americans would not consider a 2.4-percent cut in spending to be a crisis, but even before we reach this next stage in the budget negotiations, we know President Obama has proposed the same old solution to every budgetary question; that is, to raise taxes even though on December 31, with the fiscal cliff negotiations, we saw the President get his pound of flesh when it came to spending, and that is $600 billion in additional revenue.

But this does, indeed, seem like the Washington version of Groundhog Day.

We know the President has rejected his own bipartisan fiscal commission's recommendations, the so-called Simpson-Bowles Commission recommendation, and he has rejected budget proposals put forward by the House of Representatives. Even though our gross national debt has gone up by nearly $6 trillion under his watch, and even though it is projected to go up another $9.5 trillion over the next decade, the President seems to be stuck on telling us it is only going to take a little bit more in taxes in order to solve the problem.

The American people understand we do not have a revenue problem, we have a spending problem—spending money we do not have—and the only way to reduce our long-term debt burden is through reining in that spending. And not just the 39 percent of it which represents discretionary spending; we need to reform our entitlement programs, Medicare and Social Security, in order to preserve and to protect those programs for future generations. Yet when we try to enact spending cuts or entitlement reforms, the President, unfortunately, has resorted to shameless fear mongering.

He is now warning that it will be the end of western civilization, or something like it, if we cut the Federal budget by 2.4 percent. When we consider that Federal spending has gone up over 19 percent since 2008, and when we consider how much inefficient and duplicative and downright wasteful spending there is in the Federal Government, it is hard to take this argument seriously.

For example, no one should be talking about raising more taxes from the American people on top of the $600 billion that was extracted as a result of the fiscal cliff negotiations. No one should be talking about raising more taxes when the Federal Government made more than $220 billion in improper payments over the last 2 years—that's right, $220 billion in improper payments in the last 2 years—and this is just one example of costly government waste.

The President does not appear to believe in the urgency of the moment. He does not appear to believe that our country is headed for a true crisis. We all know interest rates are at historically low levels at this time. If interest rates were to go up just 1 percent or 2 percent more, for each percentage increase it would represent more than $1 trillion in additional interest we would have to pay on our debt. It is easy to see if interest rates were to go back up to historic norms, 4 or 5 percent, that very quickly we would lose control of our financial system, and we would be able to do little more than pay interest on the debt and pay for Medicare and Social Security.

Both Senate Republicans and Democrats have shown that they understand the nature of the crisis we have before us, but we believe it is imperative that we support a budget that reduces our long-term debt.

The only way we can see a significant path forward to debt reduction is if the President joins us in these important negotiations. Unfortunately, so far, the President seems truly allergic to genuine bipartisan compromise.

Until the Obama administration, virtually every landmark domestic policy change in American history was achieved with bipartisan support. We all understand that; it cannot happen any other way. For example, both the 1935 Social Security Act and the 1964 Civil Rights Act were signed by a Democratic President and supported by large majorities of Senate Republicans. The 1996 Welfare Reform Act signed by President Clinton was backed by every single Member of the Republican Senate caucus, along with the majority of Senate Democrats.

Likewise, during the Reagan years, most Senate Democrats voted for the 1983 Social Security amendments, and a whopping 94 percent of Senate Democrats voted for the 1986 Tax Reform Act. Under President George W. Bush 84 percent of Senate Democrats voted for No Child Left Behind.

In other words, Presidents have traditionally understood that reform and results take leadership and only then will bipartisan support follow. Yet the President seems to neglect this obvious fact and instead prefers to continue what seems like a perpetual campaign and knock down straw men rather than actually doing something about our skyrocketing debt.

Real debt reduction will require Presidential leadership, the kind of leadership that President Clinton displayed in 1993 when he convinced 47 percent of Senate Democrats and 40 percent of House Democrats to defy organized labor and support the North American Free Trade Agreement. Since then, U.S. trade with Canada has nearly tripled, and U.S. trade with Mexico has increased almost sixfold.

My hope is that the President will ultimately show the kind of leadership we have seen throughout this Nation's history when we are confronted with big challenges. He has acknowledged the need for serious reform.

I believe he understands the problem perfectly: We cannot preserve and protect Social Security and Medicare unless we deal with those programs now. Yet he has never acted on his words, instead choosing to engage in the perpetual campaign.

As a result, Washington keeps spending money it doesn't have and saddling our children with more debt. Meanwhile our safety-net programs are spiraling toward a collapse that will leave the poor and elderly even more vulnerable. It is time for a change, and it is time for the President to take his rhetoric about debt reduction and turn it into real meaningful reform.

I yield the floor.

The PRESIDING OFFICER (Mr. KING). The Senator from Pennsylvania.

BLACK HISTORY MONTH

Mr. CASEY. Mr. President, as I have every year since I came to the Senate, I rise to commemorate Black History Month. This year, we are privileged to recognize Bill Strickland, a man whose approach is unique and whose accomplishments are of great consequence to African-Americans, and in fact, to all Americans. From the age of 19, Bill Strickland has worked tirelessly to improve the lives of those living in poverty, to give them a setting they can thrive in and a future they can take pride in.

Bill grew up in the Manchester neighborhood of Pittsburgh, on the city's north side. Prior to the decline of industry in the city in the mid–1960s, Manchester was a solid, working class community. But by the time Bill was in high school, the area around him had slid into urban decay and instability. Though surrounded by poverty, Bill's mother was determined to provide a safe environment for her family. And though she didn't have a high school diploma herself, Bill's mother held firm to the belief that a good education was the ticket to a better life. At Oliver High School, when he began his senior year Bill had neither plans for after graduation or a clear picture of what his future might look like.

Then one day while walking down the hallway at school, Bill was attracted by the smell of fresh coffee. The coffee, along with the sounds of jazz, led Bill to the art room in Oliver High where he watched a pot being formed from a mound of clay on a turntable. Seated at the potter's wheel was Frank Ross, Oliver High's art teacher who would become Bill's close friend and mentor. Over the next year, in the calm atmosphere of Frank's well-lit art studio, Bill would develop a talent for ceramics. As importantly, it provided a safe and stable sanctuary from the chaos of the streets. At the potter's wheel Bill found his passion, and although he didn't know it yet, he was also forming the beginning of a vision that would become Manchester Bidwell Corporation.

In 1967, Bill graduated from Oliver High School and, at the instance of Frank Ross, applied to the University of Pittsburgh where he was accepted, but only as a probationary student. Although he had begun his studies full-time, Bill never lost the connection with his neighborhood. In the summer of 1968, as Manchester grappled with the racial tensions that swept many inner cities, Bill decided to open an arts center in his neighborhood. He had seen the power a bright, orderly, safe place like Frank Ross' studio and the artistic work done there had had on his own life. He wanted to give the young people of Manchester a place where they too could escape the effects of economic and social devastation and experience something beautiful. A conversation with a young minister working in the area led Bill to his first $25,000 in funding and the Manchester

Craftsmen's Guild was born as an after-school art program in a donated row house on Buena Vista Street. It was not an overnight success, but Bill never gave up. When young people in the neighborhood weren't immediately taken with ceramics, Bill redoubled his efforts, hitting the streets to reach out to as many people as possible and bring them to his center. People noticed Bill's efforts and the popularity of the Guild grew. As more people came to the center, the center needed more clay, more wheels, and Bill needed to secure more funding.

Along the way, an interesting phenomenon occurred. Teachers began noticing that their students who regularly went to the Guild were doing better academically and behaving better in school. Without intending to, Bill had stumbled across a simple, yet empowering, philosophy—environment shapes people's lives. By providing a safe space for the Manchester youth, and by introducing them to the beauty of the arts, Bill was simultaneously inspiring a large-scale change in his community.

Despite starting as a probationary student, Bill graduated from Pitt cum laude with a BA in History in 1970. Bill continued to work with the Manchester Craftmen's Guild and a few years after graduation, he became director of the Bidwell Training Center, a school whose mission was to provide education in the building trades disadvantaged and dislocated workers. When Bill assumed his role as head of Bidwell, what he discovered was a dilapidated warehouse in a seedy parking lot and a $300,000 back tax bill from the IRS. But Bill saw its potential and didn't give up. Bill began to transform Bidwell into a forward-thinking school that offered its students a real chance to dramatically improve their lives. He realized that the changing job market required less focus on construction trades and redirected Bidwell's focus to the hightech and medical industries. He also forged important partnerships with corporations like IBM, Heinz) and Bayer to design curriculums that would train the workers that employers needed. While he worked to improve the staff and the quality of the education, the nature of Bidwell's funding meant that Bill could not address what he saw as one of the institutions central flaws: The building. With funding for social projects harder to come by in the 1980s, Bill was forced to layoff nearly one-third of his staff just to make payroll. But despite the set-back, in his own eyes, Bill's vision was clearer than ever. Bill realized that what he needed to make Bidwell succeed was a center of which students, faculty, and neighbors could be proud.

To achieve his dream, Bill contacted legendary Pittsburgh architect Tasso Kastelas, a student of Frank Lloyd Wright, to design a world class center in one of the worst neighborhoods in Pittsburgh. For $10,000, Bill commissioned the architect to build a model of what would later become the home of the Manchester Bidwell Corporation, as the combined programs of the Manchester Craftsmen's Guild and the Bidwell Training Center would come to be known. Bill had a vision for his building and the conviction that the future of his cause lay in its construction. Just as he had done before, Bill took it upon himself to turn his dream into a reality and spearheaded a $6.5 million capital campaign. Model in hand, he implored the Pittsburgh corporate community to help fund his dream. When the city's corporate donors, who had supported him previously, told him that Manchester didn't need such a spectacular center, he told them in no uncertain terms that it did. When he was told he needed matching funds to obtain his corporate pledges, he turned to the Commonwealth of Pennsylvania for additional support.

In 1986 the new 62,000 square foot arts and career training center opened. Originally the center consisted of studios as well as classrooms, workshops, gallery spaces, and a 350-seat auditorium. Over the years the building has expanded as Bill's vision expanded. In 1987 the jazz hall, which has seen performances from the likes of Dizzy Gillespie and Nancy Wilson, was added and in 2003 the 40,000 square foot state-of-the-art greenhouse opened. The center currently provides training in fields as varied as gourmet food preparation, chemical, office, and medical technologies, and education arts programming in ceramics, design arts, digital arts, and photography.

Bill's center and his students success stories are a testament to the power of social entrepreneurship. What began as a mission to provide an escape from the ghetto has produced unparalleled results in educational empowerment and community growth. Manchester Craftsmen's Guild ''Youth in Arts'' is a program that strives to educate and inspire urban young people through the arts. Ninety-three of the high school students who participate in the Manchester Craftsmen's Guild ''Youth in Arts'' program graduate from high school, a noticeable improvement over the national graduation rate of 75.5 percent. The Bidwell Training Center has changed lives by providing market-driven career training to disadvantaged adults in transition. Its training programs continue to place skilled technicians in middle-class jobs at companies such as Bayer, Mylan Labs, and Heinz. MCG Jazz, Manchester-Bidwell's record label, has been nominated for seven Grammy awards and has brought four home to Pittsburgh. The orchids grown in the facility's greenhouse have won Best in Show at a Western Pennsylvania orchid fair and are even available for purchase at Whole Foods. And while they are learning medical coding or how to center clay, each student is fed a gourmet lunch prepared by culinary students in the center's top-of-the-line kitchen.

Realizing the opportunity to strengthen other communities and effect change on an even larger scale by using the Manchester Bidwell model of community and educational development as a template, Bill helped found the National Center for Arts and Technology to replicate the Manchester Bidwell education model across the nation. NCAT collaborates with local nonprofits and businesses to assess their community's needs and then works together with the community to design a fitting center for arts and technology. Bill's Pittsburgh model has been replicated in San Francisco, Cincinnati, Cleveland, New Haven, Connecticut and Grand Rapids, MI. He gained some powerful backers including Jeff Skoll, founder of eBay and the Skoll Foundation. The Skoll Foundation was one of Bill's earlier investors; it recognized the potential of his programs to drive large scale positive social change by using entrepreneurial discipline and methods. With the Skoll Foundation's help, Bill clarified his sales pitch—that he could help solve problems faced in communities, had a strategic business plan showing the benefits of working together, and offering people meaning and hope through transforming experiences.

Bill has said that ''environment determines behavior'' and he has created a remarkable environment where men and women living in poverty are treated with dignity and respect. Knowing firsthand that poverty creates self-defeating assumptions and restrictive labels but does not define a person's potential, Bill has dedicated his life to changing the lives of others by offering them hope, meaning, and belief in the power of their own creative possibilities. Bill's methods might be unconventional, but his results are success stories of epic proportions. And so in the Senate today we express our gratitude to Bill for never giving up on the poor kids or his vision. His passion and his belief in the abilities of each and every individual that walks through his doors has touched lives far beyond Manchester and, thanks to his tireless efforts, truly has the potential to reach around the world.

I thank Bill Strickland for his contribution to the City of Pittsburgh, the Commonwealth of Pennsylvania, and our Nation.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ROBERT E. BACHARACH TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant bill clerk read the nomination of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided and controlled in the usual form.

The Senator from Vermont.

Mr. LEAHY. This week, the country is facing indiscriminate across-the-board cuts from sequestration if Congress does not come to an agreement. The automatic cuts that will otherwise occur are in the tens of billions of dollars at a time when our economy is finally recovering but remains fragile. Among those who will have to endure these cuts are the overburdened Federal courts that are already suffering from longstanding vacancies that number almost 90. Budgetary cuts will mean more difficulty for the American people to get speedy justice from our Federal justice system.

According to the sequestration report released by the Office of Management and Budget, the sequestration would lead to a $555 million reduction for our Federal courts. Despite their higher caseloads and the needs of the American people, the courts' funding will be capped at a level last utilized 6 years ago. This could result in elimination of nearly one third of the courts' staff, as many as 6,300 employees, or month-long furloughs system wide. The sequester will result in cuts that will force courts to hear fewer cases and hear them more slowly. Court proceedings will be delayed. Some 30,000 civil cases have already been pending for more than 3 years and this will only exacerbate the problems of delay. Sequestration cuts could even result in the suspension of civil jury trials in some courts. And consider that if probation and pretrial services offices are affected, that can mean that defendants in pretrial release and those convicted but not in prison may not be properly supervised.

Sequestration is bad for the courts, bad for the economy and bad for the American people.

Today, after an unprecedented filibuster, Senate Republicans will finally allow a vote on the nomination of Robert Bacharach to the U.S. Court of Appeals for the Tenth Circuit. Judge Bacharach should be a consensus nominee. He received the ABA Standing Committee on the Federal Judiciary's highest possible rating of well qualified. He was reported by the Judiciary Committee by voice vote last year and, again, this year. Despite his experience, qualifications and bipartisan support, he was filibustered by Senate Republicans since July last year.

The filibuster of his nomination, which was supported by the Oklahoma Senators who had previously supported the nomination and who will likely reverse themselves again and support confirmation today, was the ne plus ultra of an unprecedented campaign of obstruction Senate Republicans have waged against President Obama's judicial nominees. That obstruction has spread to executive nominees, as well, including the nomination of Chuck Hagel, a recent Republican Senator from Nebraska whose nomination to serve as Secretary of Defense was filibustered earlier this month.

Judge Bacharach is the kind of nominee who every Senator should support. Over his 13-year career as a U.S. Magistrate Judge in the Western District of Oklahoma, he has handled nearly 3,000 civil and criminal matters, presided over 400 judicial settlement conferences, and issued more than 1,600 reports and recommendations. As an attorney in private practice, he tried 10 cases to verdict, argued two cases before the Tenth Circuit Court of Appeals, and briefed scores of other cases to the Tenth Circuit and the Oklahoma Supreme Court.

Judge Bacharach's judicial colleagues in the Western District of Oklahoma stand strongly behind his nomination. Vicki Miles-LaGrange, Chief Judge of the U.S. District Court for the Western District of Oklahoma, has said of Judge Bacharach:

> He is an outstanding jurist and my colleagues and I enthusiastically and wholeheartedly recommend him for the Tenth Circuit position. . . . We knew that we were lucky to have Bob as a Magistrate Judge, and he's been remarkable in this position for over 12 years. He is an absolutely great Magistrate Judge. His research and writing are excellent, his temperament is superb, his preparation is top-notch, and he is a wonderful colleague to all of the judges and in general to the entire court family. . . . All of the other judges and I—Republicans and Democrats alike—enthusiastically and wholeheartedly recommend Judge Bob Bacharach for the Tenth Circuit position. All of us believe very strongly that Judge Bacharach would be a superb choice for the position.

Throughout the careful and deliberate process in which Judge Bacharach has been thoroughly vetted, considered, and voted on by the Judiciary Committee, I have not heard a single negative word about him. There is no Senator who opposed his nomination on the merits. He was praised extensively by his home State Senators. Senator INHOFE has said of him:

> I believe Judge Bacharach would continue the strong service Oklahomans have provided the Tenth Circuit. Throughout his career and education, he's distinguished himself. In 2007, the Oklahoma City Journal Record profiled Judge Bacharach as an example of leadership in law, where he simply stated that as a future goal he intends to improve. Always working to improve has defined Judge Bacharach. . . . [H]is colleagues have characterized his service as remarkable, demonstrating superb judicial temperament, and a real asset to the Western District court family and legal community.

Senator COBURN said:

> Judge Bacharach is well qualified for this position and has received widespread praise and hearty recommendations from Oklahomans, including members of academia and fellow members of the bar. . . . I believe that Judge Bacharach will uphold the highest standards and reflect the best in our American judicial tradition by coming to the bench as a well-regarded member of the community. At a time when our country seems as divided as ever, it is important that citizens respect members of the judiciary and are confident they will faithfully and impartially apply the law. . . . I believe Judge Bacharach would be an excellent addition to the Tenth Circuit.

Unfortunately, along with 42 other Senate Republicans, Senator INHOFE and Senator COBURN filibustered Judge Bacharach since last July. The people of Oklahoma, Colorado, Kansas, New Mexico, Utah and Wyoming have been needlessly denied his service as a Tenth Circuit judge for 7 months. Republican Senators in Oklahoma, Kansas, Utah and Wyoming could have prevented the filibuster but went along with the obstruction that served no good purpose and established another damaging precedent: Judge Bacharach is the first circuit court nominee to be filibustered who had received bipartisan support before the Judiciary Committee. Senator COBURN was quoted last year admitting: ''There's no reason why he shouldn't be confirmed.'' There was none other than the obstruction of Senate Republicans.

Their partisan obstruction was wrong, and it is damaging to our Nation's courts and the American people. The nonpartisan Congressional Research Service has reported that the median time circuit nominees have had to wait before a Senate vote has skyrocketed from 18 days for President Bush's nominees to 132 days for President Obama's. This is the result of Republicans' partisan obstruction.

This obstruction has contributed to the damagingly high level of judicial vacancies that has persisted for over 4 years. Persistent vacancies force fewer judges to take on growing caseloads, and make it harder for Americans to have access to speedy justice. While Senate Republicans delayed and obstructed, the number of judicial vacancies remained historically high and it has become more difficult for our courts to provide speedy, quality justice for the American people. There are today 89 judicial vacancies across the country. By way of contrast, that is more than double the number of vacancies that existed at this point in the Bush administration. The circuit and district judges that we have been able to confirm over the last four years fall more than 30 short of the total for President Bush's first term.

Over the last 4 years, Senate Republicans have chosen to depart dramatically from Senate traditions in their

efforts to delay and obstruct President Obama's judicial nominations. Until 2009, Senators who filibustered circuit court nominees generally had reasons to do so, and were willing to explain those reasons. When Senate Democrats filibustered President Bush's most extreme circuit court nominees, it was over substantive concerns about the nominees' records and Republicans' disregard for the rights of Democratic Senators as they unfairly short-circuited the process of consideration over and over again. On the other hand, Senate Republicans have filibustered and delayed nearly all of President Obama's circuit court nominees even when those nominees have the support of their Republican home state Senators and their rights have been fully protected in a fair consideration process.

Until 2009, when a judicial nominee had been reported by the Judiciary Committee with bipartisan support, they were generally confirmed quickly. Until 2009, we observed regular order, usually confirmed nominees promptly, and we cleared the Senate Executive Calendar before long recesses. Until 2009, if a nominee was filibustered, it was almost always because of a substantive issue with the nominee's record. We know what has happened since 2009. The average district court nominee is stalled 4.3 times longer and the average circuit court nominee is stalled 7.3 times as long as it took to confirm them during the Bush administration. No other President's judicial nominees had to wait an average of over 100 days for a Senate vote after being reported by the Judiciary Committee.

Senate Republicans have also forced the Majority Leader to file cloture on 30 nominees, which is already in 4 years 50 percent more nominees than had cloture filed during President Bush's eight years in office. Almost all of these 30 nominations were noncontroversial and were ultimately confirmed overwhelmingly. Fewer than 80 percent of President Obama's judicial nominees have been confirmed compared to almost 90 percent of President George W. Bush's nominees at this point in their Presidencies.

The record is clear: Senate Republicans have engaged in an unprecedented effort to obstruct President Obama's judicial nominations. Chief Justice Roberts, in his year-end Report on the Federal Judiciary in 2010 pointed to the ''[P]ersistent problem [that] has developed in the process of filling judicial vacancies . . . This has created acute difficulties for some judicial districts. Sitting judges in those districts have been burdened with extraordinary caseloads . . . There remains, however, an urgent need for the political branches to find a long-term solution to this recurring problem.'' Despite bipartisan calls to address longstanding judicial vacancies, Senate Republicans have continued their unwarranted obstruction of judicial confirmations. In the case of Judge Bacharach, there was not even a pretense of any substantive concern—Senate Republicans just decided to shut down the confirmation process and contorted the ''Thurmond rule.''

At a time when judicial vacancies have again risen to almost 90, we must do more for our overburdened courts. It is past time for the partisan obstruction to end. We have a long way to go. After 4 years of delay and obstruction, we remain far behind the pace of confirmations we set during President Bush's administration, and there remain far too many judicial vacancies that make it harder for Americans to have their day in court. During President Bush's entire second term, the 4 years from 2004 through 2008, vacancies never exceeded 60. Since President Obama's first full month in office, and as far into the future as we can see, there have never been fewer than 60 vacancies, and for much of that time many, many more. The Senate must do much more to fill these vacancies and make real progress.

The Senate today will finally vote on the nomination of Robert Bacharach. He has served as a U.S. Magistrate Judge on the United States District Court for the Western District of Oklahoma since 1999. Previously, from 1987 to 1999, he was in private practice at the Oklahoma City law firm of Crowe & Dunlevy, P.C. From 1985 to 1987, he served as a law clerk to Judge William J. Holloway, Jr. of the U.S. Court of Appeals for the Tenth Circuit, the same court to which he has been nominated. Judge Bacharach was twice reported by the Judiciary Committee by voice vote—last June and again this month.

The Judiciary Committee has been working to vet, consider, and report nominees, and just before the recess we reported another dozen circuit and district nominees, all of whom had to be renominated from last year. The longest pending of these nominations is that of Caitlin Halligan, who the President first nominated to the D.C. Circuit back in 2010. At that time, there were already two vacancies on that court, a number which has now doubled to four. The purported justification for the partisan Republican filibuster of the Halligan nomination was that the circuit did not need another judge. The circuit is now more than one-third vacant and needs several, including Caitlin Halligan. I urge that the Senate act quickly on long-pending nominations. Further delay does not serve the interests of the American people. Hardworking Americans deserve better.

Mr. GRASSLEY. Mr. President, I rise today in support of Robert E. Bacharach, nominated to be United States Circuit Judge for the Tenth Circuit. Mr. Bacharach's nomination was pending before the Senate last year. In accordance with Senate custom and practice, the nomination was placed on hold, along with other circuit judge nominations, pending the outcome of the 2012 Presidential election. Unfortunately, the nomination was subjected to some unnecessary political theater when a cloture motion was filed and defeated last July.

It is well-known that the practice and tradition of the Senate is to stop confirming circuit judge nominees in the closing months of a Presidential election year. One has to go back 20 years to find a Presidential election year when the Senate approved a circuit court judge in the latter part of the year. Of course, the rationale has been that whoever wins that election should be the one to pick these lifetime nominees who will run our judiciary system.

A Congressional Research Service report on this subject stated:

> The Senator who most frequently has asserted the existence of a Thurmond rule has been the current chairman of the Judiciary Committee.

The CRS report noted that on March 7, 2008, the chairman recalled:

> When President Reagan was running for President and Senator Thurmond, then in the Republican minority as ranking member of the Judiciary Committee, instituted a policy to stall President Carter's nominations. That policy, known as the ''Thurmond Rule,'' was put in when the Republicans were in the minority. It is a rule that we still follow, and it will take effect very soon here.

Again, this was in March of that Presidential election year, not June or July. So that rule was very carefully laid out March 7, 2008—that they didn't intend to approve any more nominees after that point.

CRS went on to note the strong support the majority leader has expressed for the so-called Thurmond rule. According to CRS:

> Senator Harry Reid, the Senate majority leader, has expressed agreement with Senator Leahy about the existence of a Thurmond rule. In April 10, 2008, floor remarks, Senator Reid said, In a Presidential election year, it is always very tough for judges. That is the way it has been for a long time, and that is why we have the Thurmond rule and other such rules.

Five days later, the Majority Leader said:

> You know, there is a Thurmond doctrine that says: After June, we will have to take a real close look at judges in a Presidential election year.

These quotes indicate not only the expectation, but in fact a support for slowing down and cutting off the confirmation of judges in a Presidential election year.

Even setting aside the so-called Leahy-Thurmond rule, by any objective measure, President Obama has been treated fairly.

For example, with regard to the total number of confirmations, we confirmed 171 district and circuit nominations during President Obama's first term. We also confirmed two Supreme Court nominations during President Obama's first term. When Supreme Court nominations are pending in the committee, all other work on nominations is put on hold.

The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term, and during that term the Senate confirmed a total of only 119 district and circuit court nominees.

Let me put it another way. Under similar circumstances when Supreme Court nominees were considered—the Senate confirmed 52 more district and circuit nominees for President Obama than for President Bush.

During the 2008 Presidential election year, the Senate confirmed a total of 28 judges—24 district and 4 circuit. During the 2012 Presidential election year the Senate greatly exceeded those numbers, having confirmed a total of 49 judges—44 district and 5 circuit. In fact, President Obama's confirmations during the 2012 election year exceed the previous five Presidential election years.

Furthermore, President Obama has the highest percentage of circuit confirmations over the past four Presidential terms. With regard to district confirmations, President Obama had more during the 112th Congress that in any of the previous eight Congresses, going back to 1994.

So those who say that this President is being treated differently either fail to recognize history or want to ignore the facts, or both.

With regard to today's nomination, I would like to say a few words about the nominee. I expect he will be approved and congratulate him on his confirmation.

Judge Bacharach graduated from University of Oklahoma with a B.A. in 1981 and earned his J.D. from the Washington University School of Law in 1985. Upon graduation, Judge Bacharach served as a law clerk from 1985 to 1987 to the Honorable William J. Holloway, Jr. on the U.S. Court of Appeals for the Tenth Circuit. After completion of his clerkship, he was hired as an associate at Crowe & Dunlevy, where he became a shareholder in 1994. He remained at the firm until becoming a U.S. magistrate judge in 1999. At Crowe & Dunlevy, he primarily practiced in commercial litigation, focusing on antitrust and franchise litigation. He also handled a considerable number of cases involving the Employee Retirement Income Security Act, ERISA, from 1996 to 1998.

From 1997 to 1999, Judge Bacharach served as an adjunct professor of law at the University Of Oklahoma School Of Law. During this period, he was a co-instructor for a class titled ''Civil Pretrial Litigation.''

In 1999, the U.S. district judges for the Western District of Oklahoma appointed Judge Bacharach to be a U.S. magistrate judge. As a magistrate judge, he manages all aspects of the pretrial process in civil and criminal cases: conducting evidentiary hearings, ruling on nondispositive motions, making reports and recommendations regarding dispositive motions, and issuing criminal complaints, search warrants, and arrest warrants.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum. If there is time remaining, I ask the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, we yield back the remaining time on the nomination.

The PRESIDING OFFICER. All debate time has expired.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Idaho (Mr. CRAPO), the Senator from Wisconsin (Mr. JOHNSON), and the Senator from Kentucky (Mr. PAUL).

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 22 Ex.]

YEAS—93

Alexander	Enzi	McCain
Ayotte	Feinstein	McCaskill
Baldwin	Fischer	McConnell
Barrasso	Flake	Menendez
Baucus	Franken	Merkley
Begich	Gillibrand	Mikulski
Bennet	Graham	Moran
Blumenthal	Grassley	Murkowski
Blunt	Hagan	Murphy
Boozman	Hatch	Murray
Boxer	Heinrich	Nelson
Brown	Heitkamp	Portman
Burr	Heller	Pryor
Cantwell	Hirono	Reed
Cardin	Hoeven	Reid
Carper	Inhofe	Risch
Casey	Isakson	Roberts
Coats	Johanns	Rockefeller
Coburn	Johnson (SD)	Rubio
Cochran	Kaine	Sanders
Collins	King	Schatz
Coons	Kirk	Schumer
Corker	Klobuchar	Scott
Cornyn	Landrieu	Sessions
Cowan	Leahy	Shaheen
Cruz	Lee	Shelby
Donnelly	Levin	Stabenow
Durbin	Manchin	Tester
Thune	Vitter	Whitehouse
Toomey	Warner	Wicker
Udall (NM)	Warren	Wyden

NOT VOTING—7

Chambliss	Johnson (WI)	Udall (CO)
Crapo	Lautenberg	
Harkin	Paul	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Oklahoma.

BACHARACH CONFIRMATION

Mr. INHOFE. Mr. President, I am very pleased that we have just confirmed Judge Bacharach. He is going to make a great Federal judge. I have just been real pleased, I have to admit; I was literally running from the airport to get here because they had plane troubles, and I saw Senator PRYOR was in the same situation. So let me, first of all, thank the leadership for holding that vote open so I would not find myself in the embarrassing position of not voting to confirm my best friend from Oklahoma. So we are in that situation.

Let me just say that I am very proud of him. He actually started on the Tenth Circuit as a clerk. So he really knows this stuff. He has been there for a long time. As part of his profile, as a future goal, he intended to improve. He has actually made that statement. I believe ''always working to improve'' has been a defining characteristic of Judge Bacharach's career.

He graduated in the top 4 percent of his class in law school. He received all kinds of academic awards and maintained memberships in the highest orders of law school students. He began his legal scholarship on Law Review and has continued writing in a number of law journals.

As I said, he actually started in the Tenth Circuit working as a law clerk for the chief judge. So he knows that circuit. I do not think there is anyone out there who would know it better.

Judge Bacharach has multiple years of litigation experience working for the firm Crowe and Dunlevy in Oklahoma City and in public service as a Federal magistrate for the U.S. District Court in the Western District of Oklahoma. As evidence of his career of distinction, when Judge Bacharach was chosen to be a magistrate judge from a pool of many well-qualified candidates, the chief judge characterized the decision as ''an easy one.''

Since that time his colleagues have characterized his service as remarkable, demonstrating superb judicial temperament, and being a real asset to the Western District family and the

legal community. As with any position in the judicial branch that comes with a lifetime appointment, the Senate must deliberate carefully; and we did and gave all the thought to this nominee, as was shown, clearly demonstrated by a unanimous vote for confirmation. You do not see this very often, but you saw it with Judge Bacharach.

So I appreciate the opportunity to support him today and to have been able to call and be the first to congratulate him in this new part of his career, of which we are going to be very proud. I can assure the Presiding Officer and all the rest of us this is a guy of whom we will always be proud.

So I say congratulations to Judge Bacharach. You are going to do a great job. We will depend on that, and we will be watching to make sure that happens.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING RIGHTS ACT

Mr. LEAHY. Less than 7 years ago, Republicans and Democrats in the Senate and in the House of Representatives joined together to reauthorize key expiring provisions of the Voting Rights Act of 1965. We explained and documented our findings that this landmark civil rights law was still needed because of continuing discrimination and to preserve the progress that had been made. Because of this extensive record and the acceptance of the Voting Rights Act's importance in our country, our 2006 reauthorization of this crucial law was marked by Members of Congress from both parties and from every corner of the Nation coming together to renew one of the cornerstones of American Democracy.

It is a sad irony that on the same day we will be honoring Civil Rights icon Rosa Parks by unveiling her statue in the U.S. Capitol, the first full statue of an African American to stand in the halls of Congress, across the street the Supreme Court will be hearing arguments from those challenging the constitutionality of the Voting Rights Act reauthorization named in part for her. In the pending case, the challengers seek to strike down Section 5 of the Voting Rights Act even though that critical section has protected constitutional guarantees against discrimination in voting where 100 years of prior civil rights laws failed. The Supreme Court got it right four years ago when it upheld the constitutional authority of Congress to reauthorize Section 5 against a similar challenge. Neither the words of the Constitution nor the importance of these critical provisions for protecting the right to vote has changed in the last four years. Under the specific words of the 14th and 15th Amendments, Congress has the power to remedy discrimination and enforce the Amendments by enacting laws that address racial discrimination in connection with voting. That is what we did nearly unanimously less than 7 years ago. And over the past year lower courts have repeatedly upheld both its constitutionality and its protections. In light of the lengthy court findings from just the last year, there can be no doubt that the operation of the Voting Rights Act is continuing to protect American voters from discrimination.

In his historic ''I Have a Dream'' speech, Martin Luther King, Jr. proclaimed: ''When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir.'' The Voting Rights Act is one of our most important means for enforcing this promise and upholding the Constitution's guarantee of equal rights and equal protection of the law. Reauthorizing and restoring the Voting Rights Act was the right thing to do, not only for those who fought and bled for its passage but also for those who come after us—our children and our grandchildren. We owe it to them to continue our commitment to this vital Act. No one's right to vote should be abridged, suppressed or denied in the United States of America.

As we celebrate Black History Month and the significant progress we have made as a Nation, let us not forget the promissory note to future generations and the continuing need for civil rights laws such as the Voting Rights Act.

Our Nation has grown stronger since its Founding as more Americans have been able to exercise their right to vote. The actions taken by previous generations—through a Civil War, through Constitutional amendments, and through the long struggles of the civil rights movement—have worked to break down barriers that stood in the way of all Americans participating in our Democracy.

It has not been an easy road. The pervasive discriminatory tactics that led to the original Voting Rights Act were deeply rooted. As a nation, this effort to ensure equal protection dates back more than 140 years to the ratification of the 15th Amendment in 1870, the last of the post-Civil War Reconstruction amendments. Yet, it took 95 years from the passage of the 15th Amendment and a historic struggle for civil rights for people of all races to begin the effective exercise of the rights guaranteed by that Amendment. The struggle reached a crucial turning point on March 7, 1965, on the Edmund Pettus Bridge in Selma, AL, when state troopers brutally attacked JOHN LEWIS and his fellow civil rights marchers who were trying to exercise their civil rights. The events of that day, now known as ''Bloody Sunday,'' were a catalyst to the passage of the landmark Voting Rights Act, which finally ensured a century after the enactment of the Civil War amendments that the Constitution's guarantees of equal access to the political process, regardless of race, would not be undermined by discriminatory practices.

Prior to the Voting Rights Act, minorities of all races faced major barriers to participation in the political process, through the use of such devices as poll taxes, exclusionary primaries, intimidation by voting officials, language barriers, and systematic vote dilution. Section 5 provides a remedy for unconstitutional discrimination in voting by requiring certain jurisdictions with a history of discrimination to ''pre-clear'' all voting changes with either the Justice Department or the U.S. District Court for the District of Columbia. This remedy combats the practice of covered jurisdictions shifting from one invalidated discriminatory voting tactic to another, which had undermined efforts to enforce the Fifteenth Amendment for nearly a century.

In 2006, congressional leadership stood together on the steps of the Capitol to introduce a bill to reauthorize and reinvigorate the Voting Rights Act—an historic announcement in an era of intense partisanship. We came together in recognition that there are few things as critical to our Nation, and to American citizenship, as voting. In sharp contrast to the tremendous resistance and bitter politics which met the initial enactment of the Voting Rights Act, our efforts in 2006 overcame objections through discussions, the hearing process and by developing an overwhelming record of justification for extension of the expiring provisions. The legislation contained specific findings about the need for reauthorization and concluded that without reauthorization the gains we have made would be undermined. Our efforts reached completion when President Bush signed the bill into law after a unanimous vote in the Senate and nearly unanimous vote in the House.

At that time, I was the ranking member of the Senate Judiciary Committee and the lead Democratic Senate sponsor of the reauthorization. Over the course of 19 hearings, the Senate and House Judiciary Committees developed a comprehensive record supporting the continuing need for a reauthorized and reinvigorated Voting Rights Act. In the Senate Judiciary Committee alone we received testimony from 46 witnesses, including a

range of constitutional scholars, voting rights advocates, and Supreme Court practitioners, regarding the need for reauthorization of the expiring provisions of the Voting Rights Act. In addition, the Committee gathered and considered thousands of pages of testimony, articles, letters, and other evidence from these witnesses and other sources discussing these issues. This evidence, along with voluminous evidence gathered in the House—under the leadership of then-Judiciary Chairman JAMES SENSENBRENNER, MEL WATT, JOHN CONYERS and JOHN LEWIS—provided an overwhelming demonstration that Section 5 continues to be an effective and necessary tool for protecting minority voting rights.

At the time the Senate voted, we had before us the House Committee Report, the full debate from the floor of the House of Representatives, including debate surrounding four substantive amendments to H.R. 9 that were all rejected, leading up to final passage of the Voting Rights Act reauthorization. Before we voted, I also provided the Senate with some of the extensive evidence received over several months of hearings in the Judiciary Committee about the persistence of discriminatory practices in Section 5 covered jurisdictions.

The record gathered by the Judiciary Committee included three categories of evidence supporting the continuation of Section 5. First, we found evidence that even with Section 5 in place, covered jurisdictions continued to engage in recurring discriminatory tactics, often in subtle forms that play on racially polarized voting to deny the effectiveness of the votes cast by members of a particular race. Second, we found evidence that Section 5 provides an effective deterrent against bad practices in covered jurisdictions. Finally, we found evidence that Section 5 plays a vital role in securing the gains minority voters have achieved against the risk of backsliding.

Most importantly, of course, at the time we voted, all Senators had before them the detailed findings in Section 2 of the legislation based on the record and all Senators endorsed those findings with their votes. For example, those findings explicitly include:

> Evidence of continued discrimination includ[ing] . . . the hundreds of objections interposed, requests for more information submitted followed by voting changes withdrawn from consideration by jurisdictions covered by the Voting Rights Act of 1965, and section 5 enforcement actions undertaken by the Department of Justice in covered jurisdictions since 1982 that prevented election practices, such as annexation, at-large voting, and the use of multi-member districts, from being enacted to dilute minority voting strength; . . . the number of requests for declaratory judgments denied by the United States District Court for the District of Columbia; [and] . . . the continued filing of section 2 cases that originated in covered jurisdiction . . .

By passing the legislation, Congress adopted and reaffirmed these detailed findings, including Congress' determination that:

> [t]he continued evidence of racially polarized voting in each of the jurisdictions covered by the expiring provisions of the Voting Rights Act of 1965 demonstrates that racial and language minorities remain politically vulnerable, warranting the continued protection of the Voting Rights Act of 1965.

Now some suggest that Section 5 should be a victim of its success. In my view abandoning a successful deterrent just because it works defies logic and common sense. When Congress finds an effective and constitutional way to prevent violations of the law, the courts must uphold it. In fact, since 1966, whenever the Supreme Court has reviewed or even cited to the Voting Rights Act, it has affirmed the Act as a valid exercise of congressional authority. That is what the Court rightly did again in 2009.

Nothing we have seen in the time since Congress reauthorized the Voting Rights Act in 2006 or since the Supreme Court again upheld Section 5 in 2009 has invalidated Congress' determination to reauthorize that critical remedy for racial discrimination in voting. In fact, the events of last year's election only serve to remind us anew of the continuing need for Section 5. Last year, panels of judges appointed by presidents of both parties found that Texas intentionally discriminated against minority voters in redistricting, and that Texas failed to demonstrate that its voter ID law does not impose greater burdens on minority voters. A separate panel of three Federal judges approved South Carolina's voter identification law under Section 5 starting this year, with judges appointed by Republican and Democratic Presidents noting that South Carolina legislators passed a less restrictive law than they desired specifically in order to comply with the Voting Rights Act. Without Section 5 of the Voting Rights Act, worse laws would be in place and the fundamental rights of many Americans would be diminished.

The Voting Rights Act is one of the most important laws ever passed by Congress, transforming America by ushering the nation out of a history of discrimination into an era of greater inclusion. The Act has been a tremendous source of protection for the voting rights of those long discriminated against and a great deterrent against discriminatory efforts cropping up anew. As we celebrate Black History Month, we should reflect not only on how far we have come, but how far we still must travel to truly secure the guarantees of the Constitution for all Americans.

Ensuring that all Americans are able to vote and have their vote counted should be an issue of concern to Democrats and Republicans, and a matter of conscience for all of us regardless of political party. That is how it was in 2006, when members of Congress, Republicans and Democrats, stood together on the Capitol steps to reaffirm our commitment to full democratic participation by reauthorizing the key expiring provisions of the Voting Rights Act of 1965.

I am confident that this week when the Justices review the substantial record relied upon by America's elected representatives in Congress, they will again do the right thing. Congress is at the height of its power when giving enforceable meaning to the 14th and the 15th amendments. That is what Congress did when passing the Voting Rights Act in 1965, and what we did when we voted nearly unanimously to extend the vital remedies of Section 5 in 2006. Now the Supreme Court is called upon to respect the role of Congress by upholding this vital civil rights legislation as it rightly did in 2009.

There are few things as critical to our Nation, and to American citizenship, as voting. Like the rights guaranteed by the First Amendment, the right to vote is foundational because it secures the effective exercise of all other rights. As people are able to register, vote, and elect candidates of their choice, their interests and rights get attention. The very legitimacy of our government is dependent on the access all Americans have to the political process. Our democracy and our Nation have been better and richer for the protection of the Voting Rights Act. Now is no time for backsliding. Now is the time to renew our commitment to the right to vote for all Americans.

VIOLENCE AGAINST WOMEN ACT

Mr. LEAHY. I have often said, Mr. President, that the Senate is supposed to be, it can be, and often is the conscience of the Nation. Well, we became the conscience of the Nation 2 weeks ago when Senators, both Republicans and Democrats, voted overwhelmingly to pass the Violence Against Women Reauthorization Act and the Trafficking Victims Protection Reauthorization Act. We made protection of these victims our top priority. After compromise and extensive negotiations, we set partisanship aside and came together.

The Leahy-Crapo Violence Against Women Reauthorization Act will provide immeasurable help to all victims of domestic violence and of rape throughout our country and to victims of human trafficking in the United States and around the world. The Senate passed it with an appropriate show of bipartisan unity. A majority of Republican Senators voted for our bill, as did every woman elected to this body and every single Democratic Senator and the two Independents who caucus with the Democrats. My amendment adding significant human trafficking legislation passed with the support of 93 Senators.

Senators from across the political spectrum have shown that stopping domestic and sexual violence in the most effective way possible is an issue above politics. I mention this not to pat ourselves on the back but to say that, in contrast to this action where Republicans and Democrats came together to

protect women in this country, the House leadership is poised to once again take a different route. Tomorrow they are scheduled to substitute our bipartisan bill with a partisan alternative that leaves vulnerable victims without protection and mires our efforts in partisan politics, which delays getting help to victims. I hope they reconsider this ill-conceived approach. The overwhelming bipartisan support in the Senate for the VAWA reauthorization Senator CRAPO and I introduced sent a powerful message to survivors of violence. But this bill is about so much more than sending a message. It includes real, meaningful additions to the law to fill gaps and address needs that law enforcement, victims, and the service providers who work with victims every day have identified for us. None of these provisions are about politics. They are about preventing terrible crimes and helping the survivors of violence.

The Senate-passed bill takes new steps to prevent domestic violence homicides. It will increase the focus of law enforcement and victim service providers on rape and sexual assault crimes that too often slip through the cracks. It will take needed steps to address the horrifying epidemic of domestic violence in tribal communities and to increase protections for vulnerable immigrant victims. It ensures access to services for LGBT victims who experience domestic and sexual violence at rates at least as high as the rest of the population but often have no place to go for help.

Our bill strengthens protections on campuses, where too many students experience devastating violence instead of the wonderful experience of learning and growth that we all wish for our children. It includes new bipartisan measures to ensure that rape kits are promptly tested so that victims no longer live for years in fear when the perpetrators could be identified and taken off the streets. Our bill would give law enforcement and service providers new tools to crack down on sex trafficking and labor trafficking and help the victims of these appalling crimes. These common sense provisions will make a real difference in so many lives.

The poor substitute the Republican House leadership is putting forward once again takes a tragically different approach. Instead of taking up legislation developed over years of work with victims and those who help them, they have presented a version put together by a few here in Washington. For reasons I cannot understand, they have jettisoned the Trafficking Victims Protection Reauthorization Act altogether and stripped provisions developed by Senator CORNYN, Senator GRASSLEY, and me to take meaningful steps to reduce the backlog of untested DNA evidence in rape kits. Those provisions could help victims and could help law enforcement keep our communities safe.

The House substitute drastically weakens protections for vulnerable victims. It eliminates key protections intended to keep college students safer. It fails to include meaningful language to ensure that LGBT victims can get the same help as any other victims. For immigrant victims, the House substitute actually adds new hurdles that would make it harder for victims to help law enforcement and receive assistance. It adds new burdens and loopholes to protections for Native women who experience domestic violence at horrific rates. The House substitute would continue to allow the most aggressive abusers of native women to escape justice since the most that could be charged in tribal courts would be a misdemeanor. That is not justice for the most vulnerable victims of domestic violence.

I have been working on this legislation for years. During the last year we have amended and tweaked its language many times to accommodate the requests of various Republicans who support the effort. I stand ready to work with House leadership and have reached out to Speaker BOEHNER several times. I have not heard from House leadership once this year. I appreciate the efforts of such conservative House Republicans as Congressmen TOM COLE and DARRELL ISSA, who have tried to find common ground with reasonable compromise approaches to the tribal provisions. I know there are many others in the House of Representatives who believe that we must reauthorize and reinvigorate the Violence Against Women Act so that it protects all victims. It is not too late for others in the House to follow their lead and come together to pass a meaningful reform that protects all victims.

The poor substitute the Republican House leadership is proposing will disappoint the community of violence survivors and those of us who are trying to prevent further violence by passing needed protections. If the House leadership were serious about getting the Violence Against Women Act reauthorized and protecting our most vulnerable victims against rape, sexual violence, stalking, and human trafficking, they would simply take up the Senate bill. So many Republicans, Democrats, and Independents here support it and passed that bill.

I don't understand this picking and choosing about who is going to be considered a victim. I have said this so many times on this floor, I almost wonder if anybody hears it, but, as many other Senators have, I had the privilege of being a prosecutor before I came here. I went to a lot of very violent crime scenes at 2 and 3 and 4 o'clock in the morning, and some of them I remember almost as graphically as if it were yesterday, with a victim of severe violence, often dead, there on the floor. The police never said: Well, we have to find out if this victim is gay or straight, if this victim is Native American or an immigrant. No, they knew that a victim was a victim was a victim. If somebody has been treated that way, a crime has been committed, and the police want to find out who committed the crime and stop them before they do it again.

Back then, we didn't have anything like the Violence Against Women Act—an act which has protected so many people before they could become a victim, and which provides the tools to prevent this sort of victimization. I think of some of the victims I saw, sometimes in the morgue, and I know if we had something like our Violence Against Women Act at that time, they would be alive today.

So let's put aside gamesmanship and let's worry about the real victims in this country. None of us here will face the horrendous things these women go through, but we can help stop these horrendous things from happening to them, and we should do that.

TRIBUTE TO MICHAEL J. MULLIGAN

Mr. REID. Mr. President, I rise today to recognize the important work of Michael J. Mulligan, who retired February 1, 2013. Mr. Mulligan demonstrated great dedication to enhancing the safety and security of the United States Senate, staff, and visitors.

Beginning his career as a combat engineer officer in the U.S. Army, Mr. Mulligan served a 15-year tour at Fort Ritchie, MD, as the Chief of Engineering and Plans. During this time, he directed the largest expansion of facilities, infrastructure, and community planning in the installation's history. While on temporary assignment to the Army Corps of Engineers in Kuwait, Mr. Mulligan led technical advisors to provide engineering assistance to restore two war damaged air bases.

Mr. Mulligan went on to serve as Director of Facilities at the Alternate Joint Communications Center-Site R. He directed operations to sustain facility excellence in engineering, contingency planning, life support, and logistics in support of Continuity of Operations for the senior DOD leadership—a mission which he ably executed on September 11, 2001.

Mr. Mulligan was appointed to the Senior Executive Service in 2011. As a senior leader in the National Security Agency, Mr. Mulligan provided invaluable stewardship of an important classified program that supported the National Security Emergency Preparedness program.

Furthermore, Mr. Mulligan has authored several writings on public administration and leadership and received numerous service medals and commendations for exceptional public service.

I, along with my colleagues in the Senate, congratulate Mr. Mulligan on his well-earned retirement and wish him all the best in his future endeavors.

REMEMBERING JUSTICE MARY ANN McMORROW

Mr. DURBIN. Mr. President today I wish to pay tribute to Justice Mary Ann McMorrow, a devoted public servant and a pioneer of the Illinois legal community who passed away last weekend at the age of 83.

Justice McMorrow was a native Chicagoan, attending Immaculata High School and Rosary College which is now Dominican University. She went on to attend the Loyola University School of Law, where she was elected class president and served as associate editor of the Law Review. She graduated in 1953 as the only woman in her class. Yet as Justice McMorrow set off on her legal career, she refused to let glass ceilings stop her from reaching the greatest heights.

Justice McMorrow embarked on a public service career that would span decades and culminate in her service as the first woman on the Illinois Supreme Court and its first female chief justice. Her public sector career began with a post as an assistant State's attorney in Cook County, where she became the first woman in Cook County to prosecute major felonies. On one occasion she was told by a supervisor in the State's attorney's office that she would not be presenting an oral argument before the Illinois Supreme Court because women had not done that before. Well, before long Justice McMorrow would preside over the very same arguments from which she was once excluded.

In 1976, Justice McMorrow was elected as a judge of the Circuit Court of Cook County, and she joined the Illinois Appellate Court in 1985. She was elected to the Illinois Supreme Court in 1992 and became the chief justice of that court in 2002. The importance of this achievement cannot be overstated. As Justice McMorrow said upon becoming chief justice, ''When I went to law school, women couldn't even dream of such a thing. I hope this would forever indicate that there's nothing that limits women in any job or any profession.'' Justice McMorrow served as chief justice until her retirement in 2006, and overall she wrote 225 majority opinions during her Supreme Court tenure.

Justice McMorrow was an active member of her church, St. Mary of the Woods, and along with her late husband Emmett she was committed to her community and to various charities. Among the many accolades Justice McMorrow received during her career were the Medal of Excellence award from the Loyola University School of Law Alumni Association, the Chicago Bar Association's Justice John Paul Stevens Award, the American Bar Association's Margaret A. Brent Women Lawyers of Achievement Award, and the Myra Bradwell Woman of Achievement Award, the highest award given by the Women's Bar Association of Illinois. In addition to these honors, she also received four honorary degrees and numerous other awards. When asked about her illustrious career, Justice McMorrow responded, ''I just simply tried to do my best in every task that was presented to me.''

Justice McMorrow was truly a model of what hard work and humility can accomplish. During a time when women were not accepted as equals in the legal profession she proved herself superior. When young women in classrooms across Illinois are asked what they want to be when they grow up, they can confidently respond that they will be judges and have Justice McMorrow as a beacon to strive towards. Today as we mourn her passing we also celebrate her achievements and the legacy of opportunity she has created for countless young women in our State.

Loretta and I send our condolences to Justice McMorrow's daughter Mary Ann, her sister Frances, and her other family and friends across Illinois and the Nation.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

RULES OF PROCEDURE

Ms. LANDRIEU. Mr. President, the U.S. Senate Committee on Small Business and Entrepreneurship today adopted rules governing its procedures for the 113th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules adopted by the U.S. Senate Committee on Small Business and Entrepreneurship be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES FOR THE U.S. SENATE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR THE 113TH CONGRESS

JURISDICTION (ESTABLISHED IN THE SENATE STANDING RULES)

Per rule XXV(1) of the Standing Rules of the Senate:

(o)(1) Committee on Small Business and Entrepreneurship to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the Small Business Administration;

(2) Any proposed legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of the chairman of any standing committee having jurisdiction over the subject matter extraneous to the functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate; and likewise measures reported by other committees directly relating to the Small Business Administration shall, at the request of the Chair of the Committee on Small Business and Entrepreneurship, be referred to the Committee on Small Business and Entrepreneurship for its consideration of any portion of the measure dealing with the Small Business Administration and be reported by this committee prior to its consideration by the Senate.

(3) Such committee shall also study and survey by means of research and investigation all problems of American small business enterprises, and report thereon from time to time.

GENERAL SECTION

All applicable provisions of the Standing Rules of the Senate, the Senate Resolutions, and the Legislative Reorganization Acts of 1946 and of 1970 (as amended), shall govern the Committee.

MEETINGS

(a) The regular meeting day of the Committee shall be the first Thursday of each month unless otherwise directed by the Chair. All other meetings may be called by the Chair as he or she deems necessary, on 5 business days notice where practicable. If at least three Members of the Committee desire the Chair to call a special meeting, they may file in the office of the Committee a written request therefore, addressed to the Chair. Immediately thereafter, the Clerk of the Committee shall notify the Chair of such request. If, within 3 calendar days after the filing of such request, the Chair fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chair is not present at any regular, additional or special meeting or hearing, such member of the Committee as the Chair shall designate shall preside. For any meeting or hearing of the Committee, the Ranking Member may delegate to any Minority Member the authority to serve as Ranking Member, and that Minority Member shall be afforded all the rights and responsibilities of the Ranking Member for the duration of that meeting or hearing. Notice of any designation shall be provided to the Chief Clerk as early as practicable.

(b) It shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless an electronic copy of such amendment has been delivered to the Clerk of the Committee at least 2 business days prior to the meeting. Following receipt of all amendments, the Clerk shall disseminate the amendments to all Members of the Committee. This subsection may be waived by agreement of the Chair and Ranking Member or by a majority vote of the members of the Committee.

QUORUMS

(a)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term ''routine business'' includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments, and steps in an investigation including, but not limited to, authorizing the issuance of a subpoena.

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(b) Proxies will be permitted in voting upon the business of the Committee. A Member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, or through oral or written personal instructions to a Member of the Committee or staff. Proxies shall in no case be counted for establishing a quorum.

NOMINATIONS

In considering a nomination, the Committee shall conduct an investigation or review of the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. In any hearings on the nomination, the nominee shall be called to testify under oath on all matters relating to his or her nomination for office. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis.

HEARINGS

(a)(1) The Chair of the Committee may initiate a hearing of the Committee on his or her authority or upon his or her approval of a request by any Member of the Committee. If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days. Written notice of all hearings, including the title, a description of the hearing, and a tentative witness list shall be given at least 5 business days in advance, where practicable, to all Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chair and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, but must be in writing.

(b) (1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

(2) The Chair and Ranking Member shall be empowered to call an equal number of witnesses to a Committee hearing. Subject to Senate Standing Rule 26(4)(d), such number shall exclude any Administration witness unless such witness would be the sole hearing witness, in which case the Ranking Member shall be entitled to invite one witness. The preceding two sentences shall not apply when a witness appears as the nominee. Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chair or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least two business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chair and the Ranking Minority Member.

(c) Any witness summoned to a public or closed hearing may be accompanied by counsel of his or her own choosing, who shall be permitted while the witness is testifying to advise the witness of his or her legal rights. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(d) Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, and other materials may be authorized by the Chair with the consent of the Ranking Minority Member or by the consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, but must be in writing. The Chair may subpoena attendance or production without the consent of the Ranking Minority Member when the Chair has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours of being notified of the intended subpoena, excluding Saturdays, Sundays, and holidays. Subpoenas shall be issued by the Chair or by the Member of the Committee designated by him or her. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents, records, and other materials shall identify the papers or materials required to be produced with as much particularity as is practicable.

(e) The Chair shall rule on any objections or assertions of privilege as to testimony or evidence in response to subpoenas or questions of Committee Members and staff in hearings.

(f) Testimony may be submitted to the formal record for a period not less than two weeks following a hearing or roundtable, unless otherwise agreed to by Chair and Ranking Member.

CONFIDENTIAL INFORMATION

(a) No confidential testimony taken by, or confidential material presented to, the Committee in executive session, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members. Other confidential material or testimony submitted to the Committee may be disclosed if authorized by the Chair with the consent of the Ranking Member.

(b) Persons asserting confidentiality of documents or materials submitted to the Committee offices shall clearly designate them as such on their face. Designation of submissions as confidential does not prevent their use in furtherance of Committee business.

MEDIA & BROADCASTING

(a) At the discretion of the Chair, public meetings of the Committee may be televised, broadcasted, or recorded in whole or in part by a member of the Senate Press Gallery or an employee of the Senate. Any such person wishing to televise, broadcast, or record a Committee meeting must request approval of the Chair by submitting a written request to the Committee Office by 5 p.m. the day before the meeting. Notice of televised or broadcasted hearings shall be provided to the Ranking Minority Member as soon as practicable.

(b) During public meetings of the Committee, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of Committee members or staff on the dais, or with the orderly process of the meeting.

SUB-COMMITTEES

The Committee shall not have standing subcommittees.

AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determined at a regular meeting with due notice, or at a meeting specifically called for that purpose.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

RULES OF PROCEDURE

Mr. ROCKEFELLER. Mr. President, the Committee on Commerce, Science, and Transportation has adopted rules governing its procedures for the 113th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules for the Senate Committee on Commerce, Science, and Transportation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

113TH CONGRESS

RULE I—MEETINGS OF THE COMMITTEE

1. IN GENERAL.—The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as the Chairman may deem necessary, or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. OPEN MEETINGS.—Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matter to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets of, or financial or commercial information pertaining specifically to, a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. STATEMENTS.—Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of the witness's testimony in as many copies as the Chairman of the Committee or subcommittee prescribes.

4. FIELD HEARINGS.—Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

RULE II—QUORUMS

1. BILLS, RESOLUTIONS, AND NOMINATIONS.—A majority of the members, which includes at least 1 minority member, shall constitute a quorum for official action of the Committee when reporting a bill, resolution, or nomination. Proxies may not be counted in making a quorum for purposes of this paragraph.

2. OTHER BUSINESS.—One-third of the entire membership of the Committee shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution, or nomination or authorizing a subpoena. Proxies may not be counted in making a quorum for purposes of this paragraph.

3. TAKING TESTIMONY.—For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of 1 member of the Committee.

RULE III—PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, the required quorum being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or by telephone, or through personal instructions.

RULE IV—CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the ranking minority member of the full Committee.

RULE V—SUBPOENAS; COUNSEL; RECORD

1. SUBPOENAS.—The Chairman, with the approval of the ranking minority member of the Committee, may subpoena the attendance of witnesses for hearings and the production of memoranda, documents, records, or any other materials. The Chairman may subpoena such attendance of witnesses or production of materials without the approval of the ranking minority member if the Chairman or a member of the Committee staff designated by the Chairman has not received notification from the ranking minority member or a member of the Committee staff designated by the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph, the subpoena may be authorized by vote of the Members of the Committee, the quorum required by paragraph 1 of rule II being present. When the Committee or Chairman authorizes a subpoena, it shall be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman. At the direction of the Chairman, with notification to the ranking minority member of not less than 72 hours, the staff is authorized to take depositions from witnesses. The ranking minority member, or a member of the Committee staff designated by the ranking minority member, shall be given the opportunity to attend and participate in the taking of any deposition. Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present.

2. COUNSEL.—Witnesses may be accompanied at a public or executive hearing, or the taking of a deposition, by counsel to advise them of their rights. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of the witness at any public or executive hearing, or the taking of a deposition, to advise the witness, while the witness is testifying, of the witness's legal rights. In the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This subparagraph shall not be construed to excuse a witness from testifying in the event the witness's counsel is ejected for conducting himself or herself in such manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of a hearing or the taking of a deposition. This subparagraph may not be construed as authorizing counsel to coach the witness or to answer for the witness. The failure of any witness to secure counsel shall not excuse the witness from complying with a subpoena.

3. RECORD.—An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings and depositions. If testimony given by deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee. The record of a witness's testimony, whether in public or executive session or in a deposition, shall be made available for inspection by the witness or the witness's counsel under Committee supervision. A copy of any testimony given in public session, or that part of the testimony given by the witness in executive session or deposition and subsequently quoted or made part of the record in a public session, shall be provided to that witness at the witness's expense if so requested. Upon inspecting the transcript, within a time limit set by the Clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman or a member of the Committee staff designated by the Chairman shall rule on such requests.

RULE VI—BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

RULE VII—SUBCOMMITTEES

1. HEARINGS.—Any member of the Committee may sit with any subcommittee during its hearings.

2. CHANGE OF CHAIRMANSHIP.—Subcommittees shall be considered de novo whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

TRIBUTE TO JOHN D. BENNETT

Mrs. FEINSTEIN. Mr. President, I also wish to recognize and pay tribute to Mr. John D. Bennett, the Director of the National Clandestine Service, NCS, of the Central Intelligence Agency, who will retire from the CIA, for the second time, on February 28, 2013. Mr. Bennett's career spans over 30 years in the CIA during which he distinguished himself as a patriot, leader, and friend of the U.S. Senate. John Bennett also served as an infantry officer in the U.S. Marine Corps from 1975 to 1980.

It is a rare opportunity to pay tribute publicly to one of the men and women who serve beyond the front lines, working in secret to protect and serve the Nation. Having ''come in from the cold,'' I am pleased to be able to say a few words about John.

A Massachusetts native, Mr. Bennett received a B.A. degree in government from Harvard University in 1975 and an M.A. in National Security Studies from Georgetown University in 1991.

Since joining the CIA in 1981, John served more than 17 years abroad in multiple assignments, including as chief of station in multiple countries, in Southeast Asia and Africa, where he was able to use his language fluency of French. In addition to returning from retirement to take the helm of the NCS in July 2010, he has held Senior Executive Service level Headquarters assignments as Deputy Director of the National Clandestine Service for Community Human Intelligence from 2005–2006; Chief, Special Activities Division from 2003–2005; and Deputy Chief, Africa Division and Chief of Africa Operations from 1995–1999. Mr. Bennett served also as the Executive Assistant to the Deputy Director of Central Intelligence from May 1990 to May 1991.

When Director Panetta asked John to return to service he stated:

John says what he thinks and he does what he says. I trust him, and I rely on him.

He has helped guide the agency through some of the most complex and challenging operations imaginable, including the historic takedown of Osama bin Laden.

John Bennett served with distinction as the Director of the NCS for the past 3 years. In this capacity, John had frequent interaction with Senators and staff of the Senate Select Committee on Intelligence. His professionalism, mature judgment, expertise, and frank advice earned him the respect and confidence of the committee. His sound judgment, courage, and candor also directly contributed to his successful representation of the CIA's interests before the committee and Congress.

Throughout his career, John Bennett demonstrated a profound commitment to our Nation, selfless service to the CIA, deep concern for agency officers and their families, and a commitment to excellence. John is the consummate intelligence professional whose performance, in over 30 years of service, has personified those traits of courage, competency, and integrity that our Nation expects from its professional intelligence officers.

I ask my colleagues to join me in thanking Mr. John Bennett for his honorable service to the Central Intelligence Agency and the people of the United States, and also to thank John's wife Kit for her support and understanding, as well as her sacrifices in allowing John to selflessly commit himself to protecting our Nation.

We wish John and Kit Bennett all the best in the future.

TRIBUTE TO L. CHRISTINE HEALEY

Mrs. FEINSTEIN. Mr. President, today I wish to recognize the dedicated career and service to the Congress and the Nation of Louise Christine ''Chris'' Healey, who is retiring at the end of this week after nearly 30 years of work for the legislative branch. I am pleased to have the opportunity to publicly thank her and to note my appreciation for her dedicated and dignified efforts.

Chris is leaving the Senate as the general counsel on the Senate Select Committee on Intelligence, serving as the top legal advisor to the committee.

As committee counsel and general counsel over the past 8 years, Chris has been instrumental in the debating and drafting of every significant piece of intelligence legislation passed, and in some cases not passed, over the past decade. She was the principal drafter of the FISA Amendments Act of 2008, which is among the most complex pieces of legislation recently enacted, and certainly one of the most important to the security of our Nation. She has been as responsible as anyone for the passage of a string of four annual intelligence authorization bills, including the fiscal year 2013 act that was completed in December.

In her time at the SSCI, Chris has exemplified the professional and bipartisan spirit of the committee, working closely with Members and staff on both sides of the aisle. She has invested herself in conducting oversight, drafting bills, carrying out investigations, and reviewing and shepherding the President's nominees to Senate-confirmed positions, among many other things.

Her approach has always been dignified and calm. I am proud to be able to say that the rancor and divisiveness of the Senate over the past years has not infiltrated the work of the committee. Among the reasons we have been able to work together, review and debate serious issues, and come to bipartisan solutions is that we have people like Chris Healey who are more interested in getting the right results the right way rather than succeeding at the expense of someone else.

Prior to working for the committee, Ms. Healey worked for the Government Affairs Committee on the landmark legislation that reformed the intelligence community and created the position of the Director of National Intelligence. She was a senior counsel and team leader on the 9/11 Commission. And prior to that, she spent a decade on the House Permanent Select Committee on Intelligence, including as staff director. Chris has been the institutional memory of intelligence in the Congress, and her expertise and experience will be sorely missed.

But while a leading voice within these congressional committees and commissions and in interactions with the nonprofit community and executive branch, Chris has managed the rare feat of having a life as well.

She married musician Ryan Brown in 1989 and had her first son, Nathaniel, in 1990. Nathaniel has begun following Chris' footsteps, exploring his own work in government and politics. Chris and Ryan had their second son, Gabriel, in 1994, and he, too, has now grown up and is nearing his graduation from Oberlin College. Chris has walked to work every day from her Capitol Hill home, while supporting in many ways Ryan Brown's Opera Lafayette. He notes that in addition to her dedication to public service, Chris is an avid reader and an enthusiastic theater and concert goer, and looks forward to exploring the wider world in the years to come. I wish her the very best as she now has the time to pursue those interests, rather than being stuck in a windowless office in front of multiple computers for long hours.

Mr. President, I am one of many Members of Congress to have benefited from the advice and hard work of Chris Healey, starting with Barbara Kennelly, including NANCY PELOSI and Jane Harman, and ending with JAY ROCKEFELLER and myself. On behalf of them, and the Senate Intelligence Committee, I thank Chris Healey and wish her the very best in what I know will be a long and productive retirement from the Congress.

BRILLO PAD CENTENNIAL

Mr. PORTMAN. Mr. President, today I wish to congratulate Armaly Brands on the 100th anniversary of its iconic Brillo pad product. The Brillo pad was introduced on January 13, 1913. In 1921, the manufacturing of the product was moved to a factory in London, OH, where it has been produced ever since. Brillo was a revolutionary product, as Americans transitioned from heavy cast iron cookware to aluminum pots and pans in the early 20th century.

The Brillo pad has been featured in motion pictures, songs, and households nationwide. In 1964, the Brillo pad reached the height of its cultural popularity when Andy Warhol created a series of shipping cartons highlighting the iconic logo.

Besides being a staple of the modern kitchen, the Brillo pad has also brought jobs and manufacturing to Ohio. Brillo's London factory employs over 50 Ohioans whose products are shipped around the world.

Since 2010, Brillo has been owned by Armaly Brands of Walled Lake, MI. I would like to congratulate Armaly Brands and the Brillo pad on this 100th anniversary milestone.

ADDITIONAL STATEMENTS

RECOGNIZING ALASKA'S OUTSTANDING STUDENTS

• Mr. BEGICH. Mr. President, I would like to congratulate and honor two young Alaska students who have achieved national recognition for exemplary volunteer service in their communities. Shaylee Rizzo of Kenai and Samuel Allred of Wasilla have just been named State Honorees in the 2013 Prudential Spirit of Community Awards Program, an annual honor conferred on only one high school student and one middle-level student in each State and the District of Columbia.

Ms. Rizzo earned recognition for starting a public service campaign called ''Missy the Moose Program'' to raise youth awareness of the dangers of cars hitting moose on Alaska's highways—a common occurrence in her area during the hazardous winter months. Her idea was inspired by a photograph of a local motel owner posing with an orphaned moose he had saved after its mother was killed by a car. To launch her program, Shaylee wrote and illustrated a children's book that told the story of a collision from a moose calf's perspective. Wearing a moose costume, she then visited elementary school classrooms as Missy the Moose, sharing her book with the kids and offering ideas on how to encourage their parents to watch out for Missy and her friends. With her father's help, she wrote a theme song, recorded radio announcements urging children to get their parents to slow down, and solicited local businesses to buy more air time for her announcements. Currently, she is trying to gain State of Alaska's approval to post Missy the Moose signs in high moose-traffic areas to remind motorists to drive with care.

Mr. Allred earned recognition for making travel-size pillows and distributing them to children's hospitals across the country to provide comfort to sick kids. As a toddler, he was diagnosed with a rare kidney disease that resulted in hospitalizations and the need to take medications that altered his appearance. In 2008, a video of Samuel singing went viral on YouTube and garnered millions of views—along with comments that were mostly good—but judged his appearance. He decided to start a nonprofit organization with the

goal of changing lives through compassion. In 2009, Samuel, along with friends and family members, made 300 pillows out of bright, cheerful fabric and donated them to a local children's hospital. But Samuel knew he could do even more if he got the community involved, so he began visiting local schools to talk about kindness and compassion. It wasn't long before others were helping to craft pillows for Samuel's ''Project Comfort.'' Elementary school students stuffed pillows, senior citizens stitched them closed, and middle-school students made more than 1,700 pillows. Today, many groups in Alaska are creating pillows. Samuel sends the pillows to children's hospitals throughout the United States.

Given the challenges we face today, it is important that we encourage and support the kind of selfless contributions that these young Alaskans have made. Youth volunteers like Ms. Rizzo and Mr. Allred are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

I thank Ms. Rizzo and Mr. Allred for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of others. I also would like to salute Allison Ostrander and Reese Qualls, young people in my State who were named distinguished finalists by The Prudential Spirit of Community Awards for their outstanding volunteer service.

All of these young people demonstrate a level of commitment and accomplishment that is rarely seen today, and they deserve our sincere admiration and respect. Their actions show that young Americans can, and do, play important roles in their communities, and that America's community spirit continues to hold tremendous promise for the future.

Thank you for allowing me to take a moment to recognize these great young volunteers in Alaska.●

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the order of the Senate of January 3, 2013, the Secretary of the Senate, on February 15, 2013, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 15. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MESSAGES FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 3, 2013, the Speaker appoints the following Members of the House of Representatives to the Joint Economic Committee: Mr. CAMPBELL of California, Mr. DUFFY of Wisconsin, Mr. AMASH of Michigan, Mr. PAULSEN of Minnesota, Mr. HANNA of New York, Ms. LORETTA SANCHEZ of California, Mr. CUMMINGS of Maryland, and Mr. DELANEY of Maryland.

At 2:12 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 273. An act to eliminate the 2013 statutory pay adjustment for Federal employees.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 273. An act to eliminate the 2013 statutory pay adjustment for Federal employees; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 374. A bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale; to the Committee on the Judiciary.

By Mr. TESTER (for himself, Mr. COCHRAN, Mr. GRASSLEY, Mr. LEVIN, Mr. DURBIN, Mrs. MCCASKILL, Mr. HARKIN, Mr. ISAKSON, Mr. MERKLEY, Mr. BEGICH, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. LEAHY, Mr. KING, Ms. WARREN, Mr. FRANKEN, Mr. UDALL of Colorado, Mr. WYDEN, Mr. UDALL of New Mexico, Mr. CARDIN, Mr. BLUMENTHAL, Mr. GRAHAM, Mr. REED, Mr. BAUCUS, and Mrs. SHAHEEN):

S. 375. A bill to require Senate candidates to file designations, statements, and reports in electronic form; to the Committee on Rules and Administration.

By Mr. PRYOR (for himself, Mr. MORAN, Mr. THUNE, Mr. UDALL of New Mexico, and Mr. UDALL of Colorado):

S. 376. A bill to reauthorize the National Integrated Drought Information System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND (for herself and Mr. SCHUMER):

S. 377. A bill to add the 9/11 Health and Compensation Programs to the list of exempt programs under PAYGO; to the Committee on the Budget.

By Mr. BEGICH (for himself, Mr. TESTER, and Mr. WYDEN):

S. 378. A bill to amend title 37, United States Code, to provide travel and transportation allowances for members of the reserve components for long distance and certain other travel to inactive duty training; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN:

S. Res. 38. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions; from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Ms. LANDRIEU:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship for March 1, 2013 through September 30, 2013; from the Committee on Small Business and Entrepreneurship; to the Committee on Rules and Administration.

By Mr. MENENDEZ:

S. Res. 40. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. ENZI (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, and Mr. CARDIN):

S. Res. 41. A resolution supporting the designation of March 2013, as National Colorectal Cancer Awareness Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. REID, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 6, a bill to reauthorize the VOW to Hire Heroes Act of 2011, to provide assistance to small businesses owned by veterans, to improve enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 119

At the request of Mrs. BOXER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 119, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 162

At the request of Mr. FRANKEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 162, a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

S. 169

At the request of Mr. HATCH, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 169, a bill to amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes.

S. 170

At the request of Ms. MURKOWSKI, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 170, a bill to recognize the

heritage of recreational fishing, hunting, and recreational shooting on Federal public land and ensure continued opportunities for those activities.

S. 175

At the request of Mr. ROBERTS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 175, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 183

At the request of Mrs. MCCASKILL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 183, a bill to amend title XVIII of the Social Security Act to provide for fairness in hospital payments under the Medicare program.

S. 190

At the request of Mr. JOHANNS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 190, a bill to prohibit the use of Federal funds for certain activities of the National Labor Relations Board and the Consumer Financial Protection Bureau.

S. 195

At the request of Mr. FRANKEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 195, a bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

S. 209

At the request of Mr. PAUL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 209, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

S. 217

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 217, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational elementary schools and secondary schools on such schools' athletic programs, and for other purposes.

S. 230

At the request of Mr. PORTMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 230, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 234

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 234, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 252

At the request of Mr. ALEXANDER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 252, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 278

At the request of Mr. WHITEHOUSE, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 278, a bill to replace the Budget Control Act sequester for fiscal year 2013 by eliminating tax loopholes.

S. 294

At the request of Mr. TESTER, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 294, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

S. 296

At the request of Mr. LEAHY, the names of the Senator from Iowa (Mr. HARKIN), the Senator from California (Mrs. BOXER), the Senator from Hawaii (Ms. HIRONO), the Senator from Massachusetts (Ms. WARREN), the Senator from Massachusetts (Mr. COWAN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 296, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 298

At the request of Mr. MENENDEZ, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 298, a bill to prevent nuclear proliferation in North Korea, and for other purposes.

S. 315

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 315, a bill to reauthorize and extend the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008.

S. 346

At the request of Mr. TESTER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 346, a bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel.

S. 369

At the request of Mr. RUBIO, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 369, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S.J. RES. 4

At the request of Mr. VITTER, the name of the Senator from Kentucky (Mr. PAUL) was withdrawn as a cosponsor of S.J. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States relating to United States citizenship.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 38—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

S. RES. 38

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2013, through September 30, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this resolution shall not exceed $5,381,475, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee,

except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 4. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013, through September 30, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 39—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR MARCH 1, 2013, THROUGH SEPTEMBER 30, 2013

Ms. LANDRIEU submitted the following resolution; from the Committee on Rules and Administration; which was referred to the Committee on Rules and Administration:

S. RES. 39

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship (in this resolution referred to as the ''committee'') is authorized from March 1, 2013 through September 30, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.

The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this resolution shall not exceed $1,524,917, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required—

(A) for the disbursement of salaries of employees paid at an annual rate;

(B) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) for the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) for payments to the Postmaster of the Senate;

(E) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) for the payment of Senate Recording and Photographic Services; or

(G) for payment of franked mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013 through September 30, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SENATE RESOLUTION 40—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. MENENDEZ submitted the following resolution; which was referred from the Committee on Foreign Relations; to the Committee on Rules and Administration:

S. RES. 40

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations (in this resolution referred to as the ''committee'') is authorized from March 1, 2013 through September 30, 2013, in its discretion to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2013.

The expenses of the committee for the period March 1, 2013 through September 30, 2013 under this resolution shall not exceed $3,866,195, of which amount—

(1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013 through September 30, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SENATE RESOLUTION 41—SUPPORTING THE DESIGNATION OF MARCH 2013, AS NATIONAL COLORECTAL CANCER AWARENESS MONTH

Mr. ENZI (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 41

Whereas colorectal cancer is the second leading cause of cancer death among men and women in the United States, killing more non-smokers than any other cancer;

Whereas every year it is estimated that more than 135,000 individuals in the United States are diagnosed with colorectal cancer and more than 50,000 individuals die from the disease;

Whereas colorectal cancer is one of the most highly preventable forms of cancer because screening tests can find polyps that can be removed before becoming cancerous;

Whereas screening tests can detect colorectal cancer early, when treatment works best;

Whereas the Centers for Disease Control and Prevention estimates that if every individual aged 50 or older had regular screening tests, as many as 60 percent of deaths from colorectal cancer could be prevented;

Whereas the 5-year survival rate for patients with localized colorectal cancer is 90 percent, but only 39 percent of all diagnoses occur at this stage;

Whereas colorectal cancer screening can effectively reduce colorectal cancer incidence and mortality, yet 1 in 3 adults between the ages of 50 and 75 are not up to date with recommended colorectal cancer screening;

Whereas public awareness and education campaigns on colorectal cancer prevention, screening, and symptoms are held during the month of March each year; and

Whereas educational efforts can help provide information to the public of methods of prevention and screening, as well as about symptoms for early detection: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Colorectal Cancer Awareness Month; and

(2) encourages the President to issue a proclamation calling upon the people of the United States to observe the month with appropriate awareness and educational activities.

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, February 26, 2013, at 2:30 p.m. in room 216 of the Hart Senate Office Building to conduct a hearing entitled ''State Leadership and Innovation in Disability Employment.''

For further information regarding this meeting, please contact Alyssa Mowitz of the committee staff on (202) 228–3453.

COMMITTEE ON INDIAN AFFAIRS

Ms. CANTWELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Tuesday, February 26, 2013, in room SD–628 of the Dirksen Senate Office Building, at 3:00 p.m. to conduct a business meeting to organize for the 113th Congress by electing the Chairwoman and Vice Chairman of the Committee and to adopt the rules of the Committee and any other organizational business the Committee needs to consider.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Wednesday, February 27, 2013, at 10:00 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Animal Drug User Fee Agreements: Advancing Animal Health for the Public Health.''

For further information regarding this meeting, please contact Kathleen Laird of the committee staff on (202) 224–6840.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to advise that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 7, 2013, at 10:00 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of Sally Jewell to be the Secretary of the Interior.

For further information, please contact Sam Fowler at (202) 224–7571 or Abigail Campbell at (202) 224–4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet February 25, 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 25, 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on February 25, 2013, from 5 to 7 p.m. in The President's Room off the Senate floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, on behalf of Senator MENENDEZ of New Jersey, I ask unanimous consent that Margaret Taylor be granted the privilege of the floor during the executive session to consider Executive Calendar No. 7, the nomination of Robert Bacharach of Oklahoma to be U.S. circuit judge for the Tenth Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BLUMENTHAL. I ask unanimous consent that on Tuesday, February 26, 2013, the Senate proceed to executive session and that the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on Executive Calendar No. 10 be agreed to, the motion to reconsider be agreed to, the time until 12:00 p.m. be equally divided in the usual form, and that following the use or yielding back of time, the Senate proceed to vote on cloture on the nomination, upon reconsideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTH KOREA NONPROLIFERATION AND ACCOUNTABILITY ACT OF 2013

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 16, S. 298.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 298) to prevent nuclear proliferation in North Korea, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendments, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.)

S. 298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''North Korea Nonproliferation and Accountability Act of 2013''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On February 12, 2013, the Government of North Korea declared that it had conducted its third test of a nuclear device, following its first self-declared test on October 9, 2006, and its second test on May 25, 2009.

(2) United Nations Security Council Resolution 1718, adopted on October 14, 2006, condemned the nuclear test proclaimed by North Korea on October 9, 2006, in flagrant disregard of its relevant resolutions, in particular Security Council Resolution 1695 (2006), and demanded that North Korea not conduct any further nuclear test or launch of a ballistic missile; immediately retract its announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (NPT); and return to the NPT and International Atomic Energy Agency (IAEA) safeguards.

(3) United Nations Security Council Resolution 1718 further decided that North Korea shall suspend all activities related to its ballistic missile program and in this context reestablish its pre-existing commitments to a moratorium on missile launching; shall abandon all nuclear weapons and existing nuclear programs in a complete, verifiable, and irreversible manner; shall act strictly in accordance with the obligations applicable to parties under the NPT and the terms and conditions of its IAEA Safeguards Agreement; shall provide the IAEA transparency measures extending beyond these requirements, including such access to individuals, documentation, equipments and facilities as may be required and deemed necessary by the IAEA; and shall abandon all other existing weapons of mass destruction (WMD) and its ballistic missile program in a complete, verifiable, and irreversible manner.

(4) United Nations Security Council Resolution 1718 also required United Nations Member States to prevent—

(A) transfers to, and procurement from, North Korea of—

(i) items, materials, equipment, goods, and technology listed in the resolution; and

(ii) other items, determined by the Security Council or the 1718 Committee, which could contribute to North Korea's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programs;

(B) certain military equipment or technology transfers related to the prohibited items; and

(C) the transfer of luxury goods to North Korea.

(5) United Nations Security Council Resolution 1718 further required United Nations Member States to prevent the entry into and transit through their territories of individuals designated by the Security Council or the 1718 Committee as being responsible for North Korea's ballistic missile-related, nuclear-related, or other weapons of mass destruction-related programs, and the immediate freezing of funds, other financial assets, and economic resources of persons or entities designated by the Security Council or the 1718 Committee as being engaged in or

providing support for such programs, or by persons or entities acting on their behalf or at their direction.

(6) On May 25, 2009, the Government of North Korea declared that it had conducted a second test of a nuclear device.

(7) United Nations Security Council Resolution 1874, adopted on June 12, 2009—

(A) decided that North Korea shall abandon all nuclear weapons and existing nuclear programs in a complete, verifiable, and irreversible manner;

(B) authorized and required United Nations Member States to seize and dispose of proscribed illicit North Korea items related to its missile, nuclear, and WMD programs identified in inspections called for by the resolution;

(C) banned the export to North Korea of all arms and related material other than small arms and light weapons; and

(D) decided that Member States shall—

(i) prevent the provision of financial services or the transfer to, through, or from their territory of any financial or other assets or resources that could contribute to North Korea's nuclear-related, ballistic missile-related, or other WMD-related programs or activities; and

(ii) deny fuel or supplies to service the vessels carrying them except where necessary on humanitarian grounds.

(8) On December 12, 2012, in flagrant defiance of past United Nations Security Council resolutions, the international community, and its Six-Party partners, the Government of North Korea launched a three-stage, long-range missile, which overflew Japanese territory near Okinawa and dropped debris into the Yellow Sea, the East China Sea, and waters adjacent to the Philippines.

(9) The United Nations Security Council adopted Security Council Resolution 2087 on January 22, 2013, which condemned North Korea's December 12, 2012, missile launch as a breach of Security Council Resolutions 1718 and 1874, demanded that North Korea ''abandon all nuclear weapons and existing nuclear programs in a complete, verifiable, and irreversible manner,'' and expressed the determination of the Security Council ''to take significant action in the event of a further DPRK launch or nuclear test''.

(10) the transition to the leadership of Kim Jong-Un after the death of Kim Jong-Il has introduced new uncertainties, yet the fundamental human rights and humanitarian conditions inside North Korea remain deplorable, thousands of North Koreans remain imprisoned in modern-day gulags, North Korean refugees remain acutely vulnerable, and the findings in the North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.), the North Korean Human Rights Reauthorization Act of 2008 (Public Law 110–346), and the Ambassador James R. Lilley and Congressman Stephen J. Solarz North Korea Human Rights Reauthorization Act of 2012 (Public Law 112–172) remain substantially accurate today.

(11) There has been extensive military cooperation between the Governments of North Korea and Iran that dates back to the 1980s.

(12) The latest provocative and defiant action by the Government of North Korea represents a direct threat to the United States and to our regional allies and partners.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the test of a nuclear device by the Government of North Korea on February 12, 2013, and the missile launch of December 12, 2012, represent flagrant violations of the sanctions regime created by United Nations Security Council Resolutions 1695 (2006), 1718 (2006), and 1874 (2009), the test of the nuclear device on February 12, 2013, is a clear, deliberate, and provocative violation of United Nations Security Resolution 2087 (2013), and the Government of North Korea continues to defy the United Nations, its Six-Party partners, and the international community;

(2) all Member States of the United Nations should immediately implement and enforce sanctions imposed by these resolutions and censure North Korea;

(3) the Government of North Korea should abandon and dismantle its provocative ballistic missile and nuclear weapons programs, cease its proliferation activities, and come into immediate compliance with all United Nations Security Council resolutions and its commitments under the 2005 Joint Statement of the Six-Party Talks;

(4) restrictions against the Government of North Korea, including sanctions that ban the importation into the United States of unlicensed North Korean products and goods, should remain in effect until the Government of North Korea no longer engages in activities that threaten the United States, our allies and partners, and global peace and stability;

(5) the United States Government should seek a new round of United Nations Security Council sanctions, including the public identification of all North Korean and foreign banks, business, and government agencies suspected of conduct that violates United Nations Security Council resolutions, and implementing necessary measures to ensure enforcement of such sanctions;

(6) all United Nations Member States should—

(A) further strengthen efforts to prevent the transfer of military and dual-use technologies to North Korea, including an expansion of the list of sanctioned materials identified by the United Nations Panel of Experts on North Korea sanctions and the items on the Nuclear Suppliers Group lists;

(B) exercise enhanced vigilance including monitoring the activities of their nationals, persons in their territories, financial institutions, and other entities with or on behalf of financial institutions in North Korea, or of those that act on behalf or at the direction of financial institutions in North Korea, including their branches, representatives, agents, and subsidiaries abroad; and

(C) prevent transshipments that relate to North Korean military, missile, and nuclear programs and proliferation activities;

(7) the United States Government should explore ⟦all appropriate measures for enhanced military operations by the United States Armed Forces⟧ *appropriate measures by the United States Armed Forces* in the Asia-Pacific region, including in partnership with the armed forces of others countries in the region, to safeguard the national interests, security, and livelihood of the United States and its people, as well as those of United States allies and partners in the region; and

(8) the United States Government, acting through its appropriate diplomatic representatives, should secure the agreement of the United Nations Human Rights Council and General Assembly to adopt the recommendations made in the February 1, 2013, report of Marzuki Darusman, Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, that an inquiry mechanism should be established to investigate North Korea's ''grave, widespread and systematic violations of human rights,'' as well as to analyze whether crimes against humanity are being perpetrated in North Korea.

SEC. 4. REPORT.

Not later than May 15, 2013, the Secretary of State shall conduct, coordinate, and submit to Congress a comprehensive report on United States policy towards North Korea based on a full and complete interagency review of current policy and possible alternatives, including North Korea's weapons of mass destruction and missile programs and human rights atrocities. The report shall include recommendations for such legislative or administrative action as the Secretary considers appropriate in light of the results of the review.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as a declaration of war or an authorization for the use of force against North Korea.

Mr. BLUMENTHAL. Mr. President, I further ask that the committee-reported amendment be agreed to; the bill, as amended, be read a third time and passed; and that the motions to reconsider be made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 298) was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL COLORECTAL CANCER AWARENESS MONTH

Mr. BLUMENTHAL. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 41, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 41) supporting the designation of March 2013, as National Colorectal Cancer Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 41) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR TUESDAY, FEBRUARY 26, 2013

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, February 26, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to executive session to consider the nomination of Senator Hagel to be Secretary of Defense, under the previous order; further, that following

the cloture vote on the Hagel nomination, upon reconsideration, the Senate recess until 2:15 p.m. for the weekly caucus meetings; and finally, that if cloture is invoked, the time during recess, morning business, and adjournment count postcloture on the Hagel nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BLUMENTHAL. Mr. President, there will be a reconsideration of the cloture vote on the Hagel nomination at noon tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BLUMENTHAL. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Tuesday, February 26, 2013, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate, February 25, 2013:

THE JUDICIARY

ROBERT E. BACHARACH, OF OKLAHOMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT.